

109TH CONGRESS
2D SESSION

S. 4028

To fight criminal gangs.

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 29, 2006

Mr. MENENDEZ introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To fight criminal gangs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Fighting Gangs and Empowering Youth Act of 2006”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title and table of contents.

TITLE I—PREVENTION AND ECONOMIC EMPOWERMENT

Sec. 101. Reauthorization of certain after-school programs.

Sec. 102. Reauthorization of Safe and Drug-Free Schools and Communities Act.

Sec. 103. Public and assisted housing gang elimination.

Sec. 104. Demonstration grants to encourage creative approaches to gang activity and after-school programs.

- Sec. 105. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
- Sec. 106. Children of incarcerated parents and families.
- Sec. 107. Encouragement of employment of former prisoners.
- Sec. 108. Federal resource center for children of prisoners.
- Sec. 109. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.
- Sec. 110. Grants to study parole or post-incarceration supervision violations and revocations.
- Sec. 111. Improvement of the residential substance abuse treatment for State prisoners program.
- Sec. 112. Residential drug abuse program in Federal prisons.
- Sec. 113. Removal of limitation on amount of funds available for corrections education programs under the Adult Education and Family Literacy Act.
- Sec. 114. Technical amendment to drug-free student loans provision to ensure that it applies only to offenses committed while receiving Federal aid.
- Sec. 115. Mentoring grants to nonprofit organizations.
- Sec. 116. Clarification of authority to place prisoner in community corrections.
- Sec. 117. Grants to States for improved workplace and community transition training for incarcerated youth offenders.
- Sec. 118. Improved reentry procedures for Federal prisoners.
- Sec. 119. Reauthorization of Learn and Serve America.
- Sec. 120. Job Corps.
- Sec. 121. Workforce Investment Act youth activities.
- Sec. 122. Expansion and reauthorization of the mentoring initiative for system involved youth.
- Sec. 123. Strategic community planning program.
- Sec. 124. Reauthorization of the Gang Resistance Education and Training Projects Program and increase funding for the national youth gang survey.

TITLE II—SUPPRESSION AND COMMUNITY ANTI-GANG INITIATIVES

Subtitle A—Gang Activity Policing Program

- Sec. 201. Authority to make gang activity policing grants.
- Sec. 202. Eligible activities.
- Sec. 203. Preferential consideration of applications for certain grants.
- Sec. 204. Utilization of components.
- Sec. 205. Minimum amount.
- Sec. 206. Matching funds.
- Sec. 207. Authorization of appropriations.

Subtitle B—High Intensity Interstate Gang Activity Areas

- Sec. 211. Designation of and assistance for “high intensity” interstate gang activity areas.

Subtitle C—Additional Funding

- Sec. 221. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
- Sec. 222. Grants to prosecutors and law enforcement to combat violent crime and to protect witnesses and victims of crimes.

Sec. 223. Enhancement of Project Safe Neighborhoods initiative to improve enforcement of criminal laws against violent gangs.

TITLE III—PUNISHMENT AND IMPROVED CRIME DATA

- Sec. 301. Criminal street gangs.
 Sec. 302. Violent crimes in furtherance or in aid of criminal street gangs.
 Sec. 303. Interstate and foreign travel or transportation in aid of racketeering enterprises and criminal street gangs.
 Sec. 304. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.
 Sec. 305. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
 Sec. 306. Increased penalties for violent crimes in aid of racketeering activity.
 Sec. 307. Violent crimes committed during and in relation to a drug trafficking crime.
 Sec. 308. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
 Sec. 309. Statute of limitations for violent crime.
 Sec. 310. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
 Sec. 311. Clarification to hearsay exception for forfeiture by wrongdoing.
 Sec. 312. Clarification of venue for retaliation against a witness.
 Sec. 313. Amendment of sentencing guidelines relating to certain gang and violent crimes.
 Sec. 314. Solicitation or recruitment of persons in criminal street gang activity.
 Sec. 315. Increased penalties for criminal use of firearms in crimes of violence and drug trafficking.
 Sec. 316. Possession of firearms by dangerous felons.
 Sec. 317. Standardization of crime reporting.
 Sec. 318. Providing additional forensic examiners.
 Sec. 319. Study on expanding Federal authority for juvenile offenders.

1 **TITLE I—PREVENTION AND** 2 **ECONOMIC EMPOWERMENT**

3 **SEC. 101. REAUTHORIZATION OF CERTAIN AFTER-SCHOOL** 4 **PROGRAMS.**

5 (a) 21ST CENTURY COMMUNITY LEARNING CEN-
 6 TERS.—Section 4206 of the Elementary and Secondary
 7 Education Act of 1965 (20 U.S.C. 7176) is amended—
 8 (1) in paragraph (5), by striking
 9 “\$2,250,000,000” and inserting “\$2,500,000,000”;
 10 and

1 (2) in paragraph (6), by striking
2 “\$2,500,000,000” and inserting “\$2,750,000,000”.

3 (b) CAROL M. WHITE PHYSICAL EDUCATION PRO-
4 GRAM.—Section 5401 of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7241) is amended—

6 (1) by striking “There are” and inserting “(a)
7 IN GENERAL.—There are”; and

8 (2) by adding at the end the following:

9 “(b) PHYSICAL EDUCATION.—In addition to the
10 amounts authorized to be appropriated by subsection (a),
11 there are authorized to be appropriated \$73,000,000 for
12 each of fiscal years 2007 and 2008 to carry out subpart
13 10.”.

14 (c) FEDERAL TRIO PROGRAMS.—Section 402A(f) of
15 the Higher Education Act of 1965 (20 U.S.C. 1070a–
16 11(f)) is amended by striking “\$700,000,000 for fiscal
17 year 1999, and such sums as may be necessary for each
18 of the 4 succeeding fiscal years” and inserting
19 “\$883,000,000 for fiscal year 2007 and such sums as may
20 be necessary for each of the 5 succeeding fiscal years”.

21 (d) GEARUP.—Section 404H of the Higher Edu-
22 cation Act of 1965 (20 U.S.C. 1070a–28) is amended by
23 striking “\$200,000,000 for fiscal year 1999 and such
24 sums as may be necessary for each of the 4 succeeding
25 fiscal years” and inserting “\$325,000,000 for fiscal year

1 2007 and such sums as may be necessary for each of the
 2 5 succeeding fiscal years”.

3 **SEC. 102. REAUTHORIZATION OF SAFE AND DRUG-FREE**
 4 **SCHOOLS AND COMMUNITIES ACT.**

5 (a) SAFE AND DRUG-FREE SCHOOLS AND COMMU-
 6 NITIES.—Section 4003 of the Elementary and Secondary
 7 Education Act of 1965 (20 U.S.C. 7103) is amended—

8 (1) in paragraph (1), by striking
 9 “\$650,000,000 for fiscal year 2002” and inserting
 10 “\$700,000,000 for fiscal year 2007”; and

11 (2) in paragraph (2), by striking “such sums
 12 for fiscal year 2002, and” and inserting
 13 “\$400,000,000 for fiscal year 2007”.

14 (b) NATIONAL COORDINATOR INITIATIVE.—Section
 15 4125 of the Elementary and Secondary Education Act of
 16 1965 (20 U.S.C. 7135(a)) is amended—

17 (1) in subsection (a)—

18 (A) by striking “From funds made avail-
 19 able to carry out this subpart under section
 20 4003(2), the Secretary may provide” and in-
 21 serting “From amounts made available to carry
 22 out this subpart under section 4003(2) for each
 23 fiscal year, the Secretary shall reserve not less
 24 than \$40,000,000 to provide”; and

1 (B) by inserting “, gang prevention,” after
 2 “drug prevention”; and
 3 (2) in subsection (b)—

4 (A) in the first sentence—

5 (i) by inserting “, gang prevention,”
 6 after “serve as drug prevention”; and

7 (ii) by inserting “, gang,” after “sig-
 8 nificant drug”; and

9 (B) in the second sentence, by inserting “,
 10 gang,” after “analyzing assessments of drug”.

11 (c) MENTORING PROGRAM.—Section 4130(b) of the
 12 Elementary and Secondary Education Act of 1965 (20
 13 U.S.C. 7140(b)) is amended—

14 (1) in the matter preceding subparagraph (A)
 15 of paragraph (1), by striking “The Secretary may
 16 award grants from funds made available to carry out
 17 this subpart under section 4003(2)” and inserting
 18 “From amounts made available to carry out this
 19 subpart under section 4003(2) for each fiscal year,
 20 the Secretary shall reserve not less than
 21 \$50,000,000 to award grants”;

22 (2) in paragraph (5)(B)(i), by inserting “ele-
 23 mentary school and middle school” after “serves”;
 24 and

1 (3) in paragraph (5)(C)(ii)(IV), by striking
2 “4th” and inserting “kindergarten”.

3 (d) ANTI-GANG DISCRETIONARY GRANTS.—Subpart
4 2 of part A of title IV of the Elementary and Secondary
5 Education Act of 1965 (20 U.S.C. 7131 et seq.) is amend-
6 ed by adding at the end the following:

7 **“SEC. 4131. ANTI-GANG DISCRETIONARY GRANTS.**

8 “(a) AUTHORITY TO MAKE GRANTS.—From
9 amounts made available to carry out this subpart under
10 section 4003(2) for each fiscal year, the Secretary shall
11 reserve not less than \$50,000,000 to award grants, on a
12 competitive basis, to nonprofit organizations to enable the
13 nonprofit organizations to establish programs to assist a
14 public elementary school or middle school in providing an
15 innovative approach—

16 “(1) to combat gang activity in the school and
17 the community surrounding the school; and

18 “(2) to heighten awareness of, and provide tools
19 to reduce, gang violence in the school and the com-
20 munity surrounding the school.

21 “(b) APPLICATION.—To be eligible to receive a grant
22 under this section, a nonprofit organization shall submit
23 an application to the Secretary.

24 “(c) PRIORITY CONSIDERATION.—In awarding
25 grants under this section, the Secretary shall give priority

1 consideration to applications describing programs that
 2 target youth living in a community with a crime level
 3 above the average crime level of the State in which the
 4 community is located.”.

5 **SEC. 103. PUBLIC AND ASSISTED HOUSING GANG ELIMI-**
 6 **NATION.**

7 (a) **SHORT TITLE.**—This section may be cited as the
 8 “Public and Assisted Housing Gang Elimination Act of
 9 2006”.

10 (b) **PUBLIC AND ASSISTED HOUSING.**—Title V of
 11 Public Law 100–690 is amended by adding at the end the
 12 following:

13 **“Subtitle H—Public and Assisted**
 14 **Housing Drug Elimination**

15 **“SEC. 5401. AUTHORITY TO MAKE GRANTS.**

16 “The Secretary of Housing and Urban Development,
 17 in accordance with the provisions of this subtitle, may
 18 make grants to public housing agencies (including Indian
 19 Housing Authorities) and private, for-profit and nonprofit
 20 owners of federally assisted low-income housing for use in
 21 eliminating gang related crime.

22 **“SEC. 5402. ELIGIBLE ACTIVITIES.**

23 “Grants under this subtitle may be used in public
 24 housing or other federally assisted low-income housing
 25 projects for—

1 “(1) the employment of security personnel;

2 “(2) reimbursement of local law enforcement
3 agencies for additional security and protective serv-
4 ices;

5 “(3) physical improvements which are specifi-
6 cally designed to enhance security;

7 “(4) the employment of 1 or more individuals—

8 “(A) to investigate gang related crime on
9 or about the real property comprising any pub-
10 lic or other federally assisted low-income hous-
11 ing project; and

12 “(B) to provide evidence relating to such
13 crime in any administrative or judicial pro-
14 ceeding;

15 “(5) the provision of training, communications
16 equipment, and other related equipment for use by
17 voluntary tenant patrols acting in cooperation with
18 local law enforcement officials;

19 “(6) programs designed to reduce gang activity
20 in and around public or other federally assisted low-
21 income housing projects, including encouraging teen-
22 driven approaches to gang activity prevention; and

23 “(7) providing funding to nonprofit public hous-
24 ing resident management corporations and resident

1 councils to develop security and gang prevention pro-
2 grams involving site residents.

3 **“SEC. 5403. APPLICATIONS.**

4 “(a) IN GENERAL.—To receive a grant under this
5 subtitle, a public housing agency or an owner of federally
6 assisted low-income housing shall submit an application
7 to the Secretary, at such time, in such manner, and ac-
8 companied by such additional information as the Secretary
9 may reasonably require. Such application shall include a
10 plan for addressing the problem of gang related crime on
11 the premises of the housing administered or owned by the
12 applicant for which the application is being submitted.

13 “(b) CRITERIA.—Except as provided by subsections
14 (c) and (d) the Secretary shall approve applications under
15 this subtitle based exclusively on—

16 “(1) the extent of the gang related crime prob-
17 lem in the public or federally assisted low-income
18 housing project or projects proposed for assistance;

19 “(2) the quality of the plan to address the
20 crime problem in the public or federally assisted low-
21 income housing project or projects proposed for as-
22 sistance, including the extent to which the plan in-
23 cludes initiatives that can be sustained over a period
24 of several years;

1 “(3) the capability of the applicant to carry out
2 the plan; and

3 “(4) the extent to which tenants, the local gov-
4 ernment, and the local community support and par-
5 ticipate in the design and implementation of the ac-
6 tivities proposed to be funded under the application.

7 “(c) **FEDERALLY ASSISTED LOW-INCOME HOUS-**
8 **ING.**—In addition to the selection criteria specified in sub-
9 section (b), the Secretary may establish other criteria for
10 the evaluation of applications submitted by owners of fed-
11 erally assisted low-income housing, except that such addi-
12 tional criteria shall be designed only to reflect—

13 “(1) relevant differences between the financial
14 resources and other characteristics of public housing
15 authorities and owners of federally assisted low-in-
16 come housing; or

17 “(2) relevant differences between the problem
18 of gang related crime in public housing and the
19 problem of gang related crime in federally assisted
20 low-income housing.

21 “(d) **HIGH INTENSITY INTERSTATE GANG ACTIVITY**
22 **AREAS.**—In evaluating the extent of the gang related
23 crime problem pursuant to subsection (b), the Secretary
24 may consider whether housing projects proposed for as-
25 sistance are located in a high intensity interstate gang ac-

1 tivity area designated pursuant to section 211 of the
 2 Fighting Gangs and Empowering Youth Act of 2006.

3 **“SEC. 5404. DEFINITIONS.**

4 “For the purposes of this subtitle, the following defi-
 5 nitions shall apply:

6 “(1) SECRETARY.—The term “‘Secretary’ ”
 7 means the Secretary of Housing and Urban Develop-
 8 ment.

9 “(2) FEDERALLY ASSISTED LOW-INCOME HOUS-
 10 ING.—The term ‘federally assisted low-income hous-
 11 ing’ means housing assisted under—

12 “(A) section 221(d)(3), section 221(d)(4),
 13 or 236 of the National Housing Act;

14 “(B) section 101 of the Housing and
 15 Urban Development Act of 1965; or

16 “(C) section 8 of the United States Hous-
 17 ing Act of 1937.

18 **“SEC. 5405. IMPLEMENTATION.**

19 “The Secretary shall issue regulations to implement
 20 this subtitle within 180 days after the date of enactment
 21 of the Fighting Gangs and Empowering Youth Act of
 22 2006.

23 **“SEC. 5406. REPORTS.**

24 “The Secretary shall require grantees to provide peri-
 25 odic reports that include the obligation and expenditure

1 of grant funds, the progress made by the grantee in imple-
 2 menting the plan described in section 5403(a), and any
 3 change in the incidence of gang related crime in projects
 4 assisted under this chapter.

5 **“SEC. 5407. MONITORING.**

6 “The Secretary shall audit and monitor the programs
 7 funded under this subtitle to ensure that assistance pro-
 8 vided under this subtitle is administered in accordance
 9 with the provisions of this subtitle.

10 **“SEC. 5408. AUTHORIZATION OF APPROPRIATIONS.**

11 “(a) IN GENERAL.—There is authorized to be appro-
 12 priated to carry out this subtitle \$200,000,000 for each
 13 of the fiscal years 2007 through 2011. Any amount appro-
 14 priated under this section shall remain available until ex-
 15 pended.

16 “(b) SET-ASIDE FOR ASSISTED HOUSING.—Of any
 17 amount made available in any fiscal year to carry out this
 18 subtitle, not more than 6.25 percent of such amount shall
 19 be available for grants for federally assisted low-income
 20 housing.”.

21 (c) CONFORMING AMENDMENTS.—The table of con-
 22 tents for title V of Public Law 100–690 is amended by
 23 inserting the following new items:

“Subtitle H—Public and Assisted Housing Drug Elimination

“Sec. 5401. Authority to make grants.

“Sec. 5402. Eligible activities.

“Sec. 5403. Applications.

“Sec. 5404. Definitions.

“Sec. 5405. Implementation.

“Sec. 5406. Reports.

“Sec. 5407. Monitoring.

“Sec. 5408. Authorization of appropriations.”.

1 **SEC. 104. DEMONSTRATION GRANTS TO ENCOURAGE CRE-**
 2 **ATIVE APPROACHES TO GANG ACTIVITY AND**
 3 **AFTER-SCHOOL PROGRAMS.**

4 (a) IN GENERAL.—The Attorney General may make
 5 grants to public or nonprofit private entities (including
 6 faith-based organizations) for the purpose of assisting the
 7 entities in demonstrating innovative approaches to combat
 8 gang activity.

9 (b) CERTAIN APPROACHES.—Approaches under sub-
 10 section (a) may include the following:

11 (1) Encouraging teen-driven approaches to
 12 gang activity prevention.

13 (2) Educating parents to recognize signs of
 14 problems and potential gang involvement in their
 15 children.

16 (3) Teaching parents the importance of a nur-
 17 turing family and home environment to keep chil-
 18 dren out of gangs.

19 (4) Facilitating communication between parents
 20 and children, especially programs that have been
 21 evaluated and proven effective.

22 (c) MATCHING FUNDS.—

1 (1) IN GENERAL.—With respect to the costs of
2 the project to be carried out under subsection (a) by
3 an applicant, a grant may be made under such sub-
4 section only if the applicant agrees to make available
5 (directly or through donations from public or private
6 entities) non-Federal contributions toward such
7 costs in an amount that is not less than 25 percent
8 of such costs (\$1 for each \$3 of Federal funds pro-
9 vided in the grant).

10 (2) DETERMINATION OF AMOUNT CONTRIB-
11 UTED.—Non-Federal contributions required in para-
12 graph (1) may be in cash or in kind, fairly evalu-
13 ated, including plant, equipment, or services.
14 Amounts provided by the Federal Government, or
15 services assisted or subsidized to any significant ex-
16 tent by the Federal Government, may not be in-
17 cluded in determining the amount of such non-Fed-
18 eral contributions.

19 (d) EVALUATION OF PROJECTS.—The Attorney Gen-
20 eral shall establish criteria for the evaluation of projects
21 under subsection (a). A grant may be made under such
22 subsection only if the applicant involved—

23 (1) agrees to conduct evaluations of the project
24 in accordance with such criteria;

1 (2) agrees to submit to the Attorney General
2 such reports describing the results of the evaluations
3 as the Attorney General determines to be appro-
4 prium; and

5 (3) submits to the Attorney General, in the ap-
6 plication under subsection (e), a plan for conducting
7 the evaluations.

8 (e) APPLICATION FOR GRANT.—A grant may be
9 made under subsection (a) only if an application for the
10 grant is submitted to the Attorney General and the appli-
11 cation is in such form, is made in such manner, and con-
12 tains such agreements, assurances, and information, in-
13 cluding the agreements under subsections (c) and (d) and
14 the plan under subsection (d)(3), as the Attorney General
15 determines to be necessary to carry out this section.

16 (f) REPORT TO CONGRESS.—Not later than October
17 1, 2011, the Attorney General shall submit to Congress
18 a report describing the extent to which projects under sub-
19 section (a) have been successful in reducing the rate of
20 gang activity in the communities in which the projects
21 have been carried out. Such reports shall describe the var-
22 ious approaches used under subsection (a) and the effec-
23 tiveness of each of the approaches.

24 (g) AUTHORIZATION OF APPROPRIATIONS.—For the
25 purpose of carrying out this section, there is authorized

1 to be appropriated \$5,000,000 for each of the fiscal years
 2 2007 through 2011.

3 **SEC. 105. REAUTHORIZATION OF ADULT AND JUVENILE OF-**
 4 **FENDER STATE AND LOCAL REENTRY DEM-**
 5 **ONSTRATION PROJECTS.**

6 (a) ADULT AND JUVENILE OFFENDER DEMONSTRA-
 7 TION PROJECTS AUTHORIZED.—Section 2976(b) of the
 8 Omnibus Crime Control and Safe Streets Act of 1968 (42
 9 U.S.C. 3797w(b)) is amended by striking paragraphs (1)
 10 through (4) and inserting the following:

11 “(1) establishing or improving the system or
 12 systems under which—

13 “(A) the correctional agency of the State
 14 or local government develops and carries out
 15 plans to facilitate the reentry into the commu-
 16 nity of each offender in State or local custody;

17 “(B) the supervision and services provided
 18 to offenders in State or local custody are co-
 19 ordinated with the supervision and services pro-
 20 vided to offenders after reentry into the com-
 21 munity;

22 “(C) the efforts of various public and pri-
 23 vate entities to provide supervision and services
 24 to offenders after reentry into the community,

1 and to family members of such offenders, are
2 coordinated; and

3 “(D) offenders awaiting reentry into the
4 community are provided with documents (such
5 as identification papers, referrals to services,
6 medical prescriptions, job training certificates,
7 apprenticeship papers, and information on ob-
8 taining public assistance) useful in achieving a
9 successful transition from prison, jail, or deten-
10 tion;

11 “(2) carrying out programs and initiatives by
12 units of local government to strengthen reentry serv-
13 ices for individuals released from local jails;

14 “(3) enabling jail or prison mentors of offend-
15 ers to remain in contact with those offenders, includ-
16 ing through the use of such technology as
17 videoconferencing, during incarceration and after re-
18 entry into the community and encouraging the in-
19 volvement of prison or jail mentors in the reentry
20 process;

21 “(4) providing structured post-release housing
22 and transitional housing, including group homes for
23 recovering substance abusers, through which offend-
24 ers are provided supervision and services imme-
25 diately following reentry into the community;

1 “(5) assisting offenders in securing permanent
2 housing upon release or following a stay in transi-
3 tional housing;

4 “(6) providing continuity of health services (in-
5 cluding screening, assessment, and aftercare for
6 mental health services, substance abuse treatment
7 and aftercare, and treatment for contagious dis-
8 eases) to offenders in custody and after reentry into
9 the community;

10 “(7) providing offenders with education, job
11 training, responsible parenting and healthy relation-
12 ship skills training designed specifically for address-
13 ing the needs of incarcerated and transitioning fa-
14 thers and mothers, English as a second language
15 programs, work experience programs, self-respect
16 and life skills training, and other skills useful in
17 achieving a successful transition from prison;

18 “(8) facilitating collaboration among corrections
19 and community corrections, technical schools, com-
20 munity colleges, and the workforce development and
21 employment service sectors to—

22 “(A) promote, where appropriate, the em-
23 ployment of people released from prison and
24 jail, through efforts such as educating employ-
25 ers about existing financial incentives, and fa-

1 facilitate the creation of job opportunities, includ-
2 ing transitional jobs and time limited subsidized
3 work experience (where appropriate), for this
4 population that will benefit communities;

5 “(B) connect inmates to employment, in-
6 cluding supportive employment and employment
7 services, before their release to the community,
8 to provide work supports, including transpor-
9 tation and retention services, as appropriate,
10 and identify labor market needs to ensure that
11 education and training are appropriate; and

12 “(C) address barriers to employment, in-
13 cluding licensing that are not directly connected
14 to the crime committed and the risk that the
15 ex-offender presents to the community, and pro-
16 vide case management services as necessary to
17 prepare offenders for jobs that offer the poten-
18 tial for advancement and growth;

19 “(9) assessing the literacy and educational
20 needs of offenders in custody and identifying and
21 providing services appropriate to meet those needs,
22 including follow-up assessments and long-term serv-
23 ices;

24 “(10) systems under which family members of
25 offenders are involved in facilitating the successful

1 reentry of those offenders into the community, in-
2 cluding removing obstacles to the maintenance of
3 family relationships while the offender is in custody,
4 strengthening the family's capacity to function as a
5 stable living situation during reentry where appro-
6 priate, and involving family members in the planning
7 and implementation of the reentry process;

8 “(11) programs under which victims are in-
9 cluded, on a voluntary basis, in the reentry process;

10 “(12) identifying and addressing barriers to col-
11 laborating with child welfare agencies in the provi-
12 sion of services jointly to offenders in custody and
13 to the children of such offenders;

14 “(13) carrying out programs that support chil-
15 dren of incarcerated parents, including those in fos-
16 ter care and those cared for by grandparents or
17 other relatives, commonly referred to as kinship
18 care, including mentoring children of prisoners pro-
19 grams;

20 “(14) carrying out programs for the entire fam-
21 ily unit, including the coordination of service delivery
22 across agencies;

23 “(15) implementing programs in correctional
24 agencies to include the collection of information re-
25 garding any dependent children of an incarcerated

1 person as part of intake procedures, including the
2 number of children, age, and location or jurisdiction,
3 and connect identified children with services as ap-
4 propriate and needed;

5 “(16) addressing barriers to the visitation of
6 children with an incarcerated parent, and mainte-
7 nance of the parent-child relationship as appropriate
8 to the safety and well-being of the children, such as
9 the location of facilities in remote areas, telephone
10 costs, mail restrictions, and visitation policies;

11 “(17) creating, developing, or enhancing pris-
12 oner and family assessments curricula, policies, pro-
13 cedures, or programs (including mentoring pro-
14 grams) to help prisoners with a history or identified
15 risk of domestic violence, dating violence, sexual as-
16 sault, or stalking reconnect with their families and
17 communities, as appropriate (or when it is safe to do
18 so), and become mutually respectful, nonabusive par-
19 ents or partners, under which particular attention is
20 paid to the safety of children affected and the con-
21 fidentiality concerns of victims, and efforts are co-
22 ordinated with existing victim service providers;

23 “(18) developing programs and activities that
24 support parent-child relationships, such as—

1 “(A) using telephone conferencing to per-
2 mit incarcerated parents to participate in par-
3 ent-teacher conferences;

4 “(B) using videoconferencing to allow vir-
5 tual visitation when incarcerated persons are
6 more than 100 miles from their families;

7 “(C) the development of books on tape
8 programs, through which incarcerated parents
9 read a book into a tape to be sent to their chil-
10 dren;

11 “(D) the establishment of family days,
12 which provide for longer visitation hours or
13 family activities;

14 “(E) the creation of children’s areas in vis-
15 itation rooms with parent-child activities;

16 “(F) the implementation of programs to
17 help incarcerated fathers and mothers stay con-
18 nected to their children and learn responsible
19 parenting and healthy relationship skills; or

20 “(G) mentoring children of prisoners pro-
21 gram;

22 “(19) expanding family-based treatment centers
23 that offer family-based comprehensive treatment
24 services for parents and their children as a complete
25 family unit;

1 “(20) conducting studies to determine who is
2 returning to prison or jail and which of those return-
3 ing prisoners represent the greatest risk to commu-
4 nity safety;

5 “(21) developing or adopting procedures to en-
6 sure that dangerous felons are not released from
7 prison prematurely;

8 “(22) developing and implementing procedures
9 to assist relevant authorities in determining when re-
10 lease is appropriate and in the use of data to inform
11 the release decision;

12 “(23) developing and implementing procedures
13 to identify efficiently and effectively those violators
14 of probation, parole, or post incarceration super-
15 vision who should be returned to prison or jail;

16 “(24) utilizing validated assessment tools to as-
17 sess the risk factors of returning inmates and
18 prioritizing services based on risk;

19 “(25) facilitating and encouraging timely and
20 complete payment of restitution and fines by ex-of-
21 fenders to victims and the community;

22 “(26) establishing or expanding the use of re-
23 entry courts and other programs to—

24 “(A) monitor offenders returning to the
25 community;

1 “(B) provide returning offenders with—

2 “(i) drug and alcohol testing and
3 treatment; and

4 “(ii) mental and medical health as-
5 sessment and services;

6 “(C) facilitate restorative justice practices
7 and convene family or community impact pan-
8 els, family impact educational classes, victim
9 impact panels, or victim impact educational
10 classes;

11 “(D) provide and coordinate the delivery of
12 other community services to offenders, includ-
13 ing—

14 “(i) housing assistance;

15 “(ii) education;

16 “(iii) employment training;

17 “(iv) children and family support to
18 include responsible parenting and healthy
19 relationship skill training designed specifi-
20 cally to address the needs of incarcerated
21 and transitioning fathers and mothers;

22 “(v) conflict resolution skills training;

23 “(vi) family violence intervention pro-
24 grams;

1 “(vii) culturally and linguistically
 2 competent services, as appropriate; and
 3 “(viii) other appropriate services; and
 4 “(E) establish and implement graduated
 5 sanctions and incentives; and
 6 “(27) providing technology and other tools to
 7 advance post release supervision.”.

8 (b) JUVENILE OFFENDER DEMONSTRATION
 9 PROJECTS REAUTHORIZED.—Section 2976(c) of the Om-
 10 nibus Crime Control and Safe Streets Act of 1968 (42
 11 U.S.C. 3797w(c)) is amended by striking “may be ex-
 12 pended for” and all that follows through the period at the
 13 end and inserting “may be expended for any activity re-
 14 ferred to in subsection (b).”.

15 (c) APPLICATIONS; REQUIREMENTS; PRIORITIES;
 16 PERFORMANCE MEASUREMENTS.—Section 2976 of the
 17 Omnibus Crime Control and Safe Streets Act of 1968 (42
 18 U.S.C. 3797w) is amended—

19 (1) by redesignating subsection (h) as sub-
 20 section (o); and

21 (2) by striking subsections (d) through (g) and
 22 inserting the following:

23 “(d) APPLICATIONS.—A State, unit of local govern-
 24 ment, territory, or Indian tribe, or combination thereof de-

1 siring a grant under this section shall submit an applica-
 2 tion to the Attorney General that—

3 “(1) contains a reentry strategic plan, as ref-
 4 erenced in subsection (h), which describes the long-
 5 term strategy, and a detailed implementation sched-
 6 ule, including the jurisdiction’s plans to pay for the
 7 program after the Federal funding is discontinued;

8 “(2) identifies the local government role and
 9 the role of governmental agencies and nonprofit or-
 10 ganizations that will be coordinated by, and that will
 11 collaborate on, the applicant’s prisoner reentry strat-
 12 egy and certifies their involvement; and

13 “(3) describes the methodology and outcome
 14 measures that will be used in evaluating the pro-
 15 gram.

16 “(e) REQUIREMENTS.—The Attorney General may
 17 make a grant to an applicant under this section only if
 18 the application—

19 “(1) reflects explicit support of the chief execu-
 20 tive officer of the State, unit of local government,
 21 territory, or Indian tribe applying for a grant under
 22 this section;

23 “(2) provides extensive discussion of the role of
 24 State corrections departments, community correc-
 25 tions agencies, juvenile justice systems, or local jail

1 systems in ensuring successful reentry of ex-offend-
2 ers into their communities;

3 “(3) provides extensive evidence of collaboration
4 with State and local government agencies overseeing
5 health, housing, child welfare, education, substance
6 abuse, and employment services, and local law en-
7 forcement;

8 “(4) provides a plan for analysis of the appli-
9 cant’s existing statutory, regulatory, rules-based,
10 and practice-based hurdles to a prisoner’s reintegra-
11 tion into the community that—

12 “(A) takes particular note and makes rec-
13 ommendations with respect to laws, regulations,
14 rules, and practices that disqualify former pris-
15 oners from obtaining professional licenses or
16 other requirements necessary for certain types
17 of employment, and that hinder full civic par-
18 ticipation;

19 “(B) identifies and makes recommenda-
20 tions with respect to those laws, regulations,
21 rules, or practices that are not directly con-
22 nected to the crime committed and the risk that
23 the ex-offender presents to the community; and

1 “(C) affords members of the public an op-
2 portunity to participate in the process described
3 in this subsection; and

4 “(5) includes the use of a State, local, terri-
5 torial, or tribal task force, as referenced in sub-
6 section (i), to carry out the activities funded under
7 the grant.

8 “(f) PRIORITY CONSIDERATION.—The Attorney Gen-
9 eral shall give priority to grant applications under this sec-
10 tion that best—

11 “(1) focus initiative on geographic areas with a
12 high population of ex-offenders;

13 “(2) include partnerships with nonprofit organi-
14 zations;

15 “(3) provide consultations with crime victims
16 and former incarcerated prisoners and their families;

17 “(4) review the process by which the State and
18 local governments adjudicate violations of parole,
19 probation, or post incarceration supervision and con-
20 sider reforms to maximize the use of graduated,
21 community-based sanctions for minor and technical
22 violations of parole, probation, or post incarceration
23 supervision;

24 “(5) establish prerelease planning procedures
25 for prisoners to ensure that a prisoner’s eligibility

1 for Federal or State benefits (including Medicaid,
2 Medicare, Social Security, and Veterans benefits)
3 upon release is established prior to release, subject
4 to any limitations in law, and to ensure that pris-
5 oners are provided with referrals to appropriate so-
6 cial and health services or are linked to appropriate
7 nonprofit organizations;

8 “(6) include an agreement that the applicant,
9 in consultation with the National Institute of Jus-
10 tice, will modify the project design, initially and dur-
11 ing the project, in order to facilitate the evaluation
12 of outcomes by means, including (to the maximum
13 extent feasible) random assignment of offenders and
14 ex-offenders (or entities working with such persons)
15 to program delivery and control groups; and

16 “(7) target high-risk offenders for reentry pro-
17 grams through validated assessment tools.

18 “(g) USES OF GRANT FUNDS.—

19 “(1) FEDERAL SHARE.—The Federal share of a
20 grant received under this section may not exceed 75
21 percent of the project funded under the grant, unless
22 the Attorney General—

23 “(A) waives, in whole or in part, the re-
24 quirement of this paragraph; and

1 “(B) publicly delineates the rationale for
2 the waiver.

3 “(2) SUPPLEMENT NOT SUPPLANT.—Federal
4 funds received under this section shall be used to
5 supplement, not supplant, non-Federal funds that
6 would otherwise be available for the activities funded
7 under this section.

8 “(h) REENTRY STRATEGIC PLAN.—

9 “(1) IN GENERAL.—As a condition of receiving
10 financial assistance under this section, each appli-
11 cant shall develop a comprehensive strategic reentry
12 plan that contains measurable annual and 5 year
13 performance outcomes. The plan shall have as a goal
14 to reduce the rate of recidivism of incarcerated per-
15 sons served with funds from this section by 50 per-
16 cent over a period of 5 years.

17 “(2) COORDINATION.—In developing reentry
18 plans under this subsection, applicants shall coordi-
19 nate with communities and stakeholders, including
20 persons in the fields of public safety, corrections,
21 housing, health, education, substance abuse, children
22 and families, employment, business and members of
23 nonprofit organizations that provide reentry services.

24 “(3) MEASUREMENTS OF PROGRESS.—Each re-
25 entry plan developed under this subsection shall

1 measure the applicant’s progress toward increasing
 2 public safety by reducing rates of recidivism and en-
 3 abling released offenders to transition successfully
 4 back into their communities.

5 “(i) REENTRY TASK FORCE.—

6 “(1) IN GENERAL.—As a condition of receiving
 7 financial assistance under this section, each appli-
 8 cant shall establish or empower a Reentry Task
 9 Force, or other relevant convening authority, to ex-
 10 amine ways to pool existing resources and funding
 11 streams to promote lower recidivism rates for re-
 12 turning ex-offenders and to minimize the harmful ef-
 13 fects of incarceration on families and communities
 14 by collecting data and best practices in offender re-
 15 entry from demonstration grantees and other agen-
 16 cies and organizations, and to provide a plan, as de-
 17 scribed in subsection (e)(4).

18 “(2) MEMBERSHIP.—The task force or other
 19 authority shall be comprised of relevant—

20 “(A) State, tribal, territorial, or local lead-
 21 ers;

22 “(B) agencies;

23 “(C) service providers;

24 “(D) nonprofit organizations; and

25 “(E) stakeholders.

1 “(j) STRATEGIC PERFORMANCE OUTCOMES.—

2 “(1) IN GENERAL.—Each applicant shall iden-
 3 tify in their reentry strategic plan, as referenced in
 4 subsection (h), specific performance outcomes re-
 5 lated to the long-term goals of increasing public
 6 safety and reducing recidivism.

7 “(2) PERFORMANCE OUTCOMES.—The perform-
 8 ance outcomes identified under paragraph (1) shall
 9 include, with respect to offenders released back into
 10 the community—

11 “(A) reduction in recommitment rates;

12 “(B) reduction in crime;

13 “(C) increased employment and education
 14 opportunities;

15 “(D) reduction in violations of conditions
 16 of supervised release;

17 “(E) increased child support;

18 “(F) increased housing opportunities;

19 “(G) reduction in drug and alcohol abuse;

20 and

21 “(H) increased participation in substance
 22 abuse and mental health services.

23 “(3) OTHER OUTCOMES.—States may include
 24 in their reentry strategic plan other performance

1 outcomes that increase the success rates of offenders
2 who transition from prison.

3 “(4) COORDINATION.—Applicants should co-
4 ordinate with communities and stakeholders about
5 the selection of performance outcomes identified by
6 the applicant, and should consult with the Depart-
7 ment of Justice for assistance with data collection
8 and measurement activities.

9 “(5) REPORT.—Each grantee under this section
10 shall submit an annual report to the Department of
11 Justice that—

12 “(A) identifies the grantee’s progress to-
13 ward achieving its strategic performance out-
14 comes; and

15 “(B) describes other activities conducted
16 by the grantee to increase the success rates of
17 the reentry population, such as programs that
18 foster effective risk management and treatment
19 programming, offender accountability, and com-
20 munity and victim participation.

21 “(k) PERFORMANCE MEASUREMENT.—

22 “(1) IN GENERAL.—The Department of Jus-
23 tice, in consultation with the grantees, shall—

24 “(A) identify primary and secondary
25 sources of information to support the measure-

1 ment of the performance indicators identified
2 under this section;

3 “(B) identify sources and methods of data
4 collection in support of performance measure-
5 ment required under this section;

6 “(C) provide to all grantees technical as-
7 sistance and training on performance measures
8 and data collection for purposes of this section;
9 and

10 “(D) coordinate with the Substance Abuse
11 and Mental Health Services Administration on
12 strategic performance outcome measures and
13 data collection for purposes of this section relat-
14 ing to substance abuse and mental health.

15 “(2) COORDINATION.—The Department of Jus-
16 tice shall coordinate with other Federal agencies to
17 identify national and other sources of information to
18 support grantee’s performance measurement.

19 “(3) STANDARDS FOR ANALYSIS.—Any statis-
20 tical analysis of population data conducted pursuant
21 to this section shall be conducted in accordance with
22 the Federal Register Notice dated October 30, 1997,
23 relating to classification standards.

24 “(1) FUTURE ELIGIBILITY.—To be eligible to receive
25 a grant under this section for fiscal years after the first

1 receipt of such a grant, a grantee shall submit to the At-
 2 torney General such information as is necessary to dem-
 3 onstrate that—

4 “(1) the grantee has adopted a reentry plan
 5 that reflects input from nonprofit organizations;

6 “(2) the grantee’s reentry plan includes per-
 7 formance measures to assess the grantee’s progress
 8 toward increasing public safety by reducing by 10
 9 percent over the 2-year period the rate at which in-
 10 dividuals released from prison who participate in the
 11 reentry system supported by Federal funds are re-
 12 committed to prison; and

13 “(3) the grantee will coordinate with the De-
 14 partment of Justice, nonprofit organizations, and
 15 other experts regarding the selection and implemen-
 16 tation of the performance measures described in sub-
 17 section (k).

18 “(m) NATIONAL ADULT AND JUVENILE OFFENDER
 19 REENTRY RESOURCE CENTER.—

20 “(1) AUTHORITY.—The Attorney General may,
 21 using amounts made available to carry out this sub-
 22 section, make a grant to an eligible organization to
 23 provide for the establishment of a National Adult
 24 and Juvenile Offender Reentry Resource Center.

1 “(2) ELIGIBLE ORGANIZATION.—An organiza-
2 tion eligible for the grant under paragraph (1) is
3 any national nonprofit organization approved by the
4 Federal task force established under subsection (o)
5 that provides technical assistance and training to,
6 and has special expertise and broad, national-level
7 experience in offender reentry programs, training,
8 and research.

9 “(3) USE OF FUNDS.—The organization receiv-
10 ing the grant shall establish a National Adult and
11 Juvenile Offender Reentry Resource Center to—

12 “(A) provide education, training, and tech-
13 nical assistance for States, tribes, territories,
14 local governments, service providers, nonprofit
15 organizations, and corrections institutions;

16 “(B) collect data and best practices in of-
17 fender reentry from demonstration grantees and
18 others agencies and organizations;

19 “(C) develop and disseminate evaluation
20 tools, mechanisms, and measures to better as-
21 sess and document coalition performance meas-
22 ures and outcomes;

23 “(D) disseminate knowledge to States and
24 other relevant entities about best practices, pol-
25 icy standards, and research findings;

1 “(E) develop and implement procedures to
2 assist relevant authorities in determining when
3 release is appropriate and in the use of data to
4 inform the release decision;

5 “(F) develop and implement procedures to
6 identify efficiently and effectively those violators
7 of probation, parole, or post incarceration su-
8 pervision who should be returned to prison and
9 those who should receive other penalties based
10 on defined, graduated sanctions;

11 “(G) collaborate with the Federal task
12 force established under subsection (o) and the
13 Federal Resource Center for Children of Pris-
14 oners;

15 “(H) develop a national research agenda;
16 and

17 “(I) bridge the gap between research and
18 practice by translating knowledge from research
19 into practical information.

20 “(4) LIMIT.—Of amounts made available to
21 carry out this section, not more than 4 percent shall
22 be available to carry out this subsection.

23 “(n) ADMINISTRATION.—Of amounts made available
24 to carry out this section—

1 “(1) not more than 2 percent shall be available
2 for administrative expenses in carrying out this sec-
3 tion; and

4 “(2) not more than 2 percent shall be made
5 available to the National Institute of Justice to
6 evaluate the effectiveness of the demonstration
7 projects funded under section 2976 of the Omnibus
8 Crime and Control and Safe Streets Act of 1968 (42
9 U.S.C. 3797w) as amended by this section, using a
10 methodology that—

11 “(A) includes, to the maximum extent fea-
12 sible, random assignment of offenders or ex-of-
13 fenders (or entities working with such persons)
14 to program delivery and control groups; and

15 “(B) generates evidence on which reentry
16 approaches and strategies are most effective.

17 “(o) TASK FORCE ON FEDERAL PROGRAMS AND AC-
18 TIVITIES RELATING TO REENTRY OF OFFENDERS.—

19 “(1) TASK FORCE REQUIRED.—The Attorney
20 General, in consultation with the Secretary of Hous-
21 ing and Urban Development, the Secretary of Labor,
22 the Secretary of Education, the Secretary of Health
23 and Human Services, the Secretary of Veterans Af-
24 fairs, the Secretary of Agriculture, and the heads of
25 such other elements of the Federal Government as

1 the Attorney General considers appropriate, and in
2 collaboration with stakeholders, service providers,
3 nonprofit organizations, States, tribes, territories,
4 and local governments, shall establish an interagency
5 task force on Federal programs and activities relat-
6 ing to the reentry of offenders into the community.

7 “(2) DUTIES.—The task force required by
8 paragraph (1) shall—

9 “(A) identify such programs and activities
10 that may be resulting in overlapping or duplica-
11 tion of services, the scope of such overlapping
12 or duplication, and the relationship of such
13 overlapping and duplication to public safety,
14 public health, and effectiveness and efficiency;

15 “(B) identify methods to improve collabo-
16 ration and coordination of such programs and
17 activities;

18 “(C) identify areas of responsibility in
19 which improved collaboration and coordination
20 of such programs and activities would result in
21 increased effectiveness or efficiency;

22 “(D) develop innovative interagency or
23 intergovernmental programs, activities, or pro-
24 cedures that would improve outcomes of reen-
25 tering offenders and children of offenders;

1 “(E) develop methods for increasing reg-
2 ular communication that would increase inter-
3 agency program effectiveness;

4 “(F) identify areas of research that can be
5 coordinated across agencies with an emphasis
6 on applying science-based practices to support,
7 treatment, and intervention programs for reen-
8 tering offenders;

9 “(G) identify funding areas that should be
10 coordinated across agencies and any gaps in
11 funding; and

12 “(H) in collaboration with the National
13 Adult and Juvenile Offender Reentry Resources
14 Center identify successful programs currently
15 operating and collect best practices in offender
16 reentry from demonstration grantees and other
17 agencies and organizations, determine the ex-
18 tent to which such programs and practices can
19 be replicated, and make information on such
20 programs and practices available to States, lo-
21 calities, nonprofit organizations, and others.

22 “(3) REPORT.—

23 “(A) IN GENERAL.—Not later than 1 year
24 after the date of enactment of this Act, the task
25 force established under paragraph (1) shall sub-

1 mit a report, including recommendations, to
2 Congress on barriers to reentry. The task force
3 shall provide for public input in preparing the
4 report.

5 “(B) CONTENTS.—The report required by
6 subparagraph (A) shall identify Federal and
7 other barriers to successful reentry of offenders
8 into the community and analyze the effects of
9 such barriers on offenders and on children and
10 other family members of offenders, including
11 barriers relating to—

12 “(i) child support obligations and pro-
13 cedures;

14 “(ii) Social Security benefits, includ-
15 ing barriers in timely restoration of sus-
16 pended disability benefits immediately
17 upon release, Veterans benefits, food
18 stamps, and other forms of Federal public
19 assistance;

20 “(iii) Medicaid and Medicare laws,
21 regulations, guidelines or procedures, in-
22 cluding barriers in timely restoration of
23 benefits caused by delay in reinstatement
24 of suspended Social Security disability ben-
25 efits;

1 “(iv) education programs, financial
2 assistance, and full civic participation;

3 “(v) TANF program funding criteria
4 and other welfare benefits;

5 “(vi) sustainable employment and ca-
6 reer advancement, that are not directly
7 connected to the crime committed and the
8 risk that the ex-offender presents to the
9 community;

10 “(vii) laws, regulations, rules, and
11 practices that restrict Federal employment
12 licensure and participation in Federal con-
13 tracting programs;

14 “(viii) admissions to and evictions
15 from Federal housing programs, includ-
16 ing—

17 “(I) examining the number and
18 characteristics of ex-offenders who are
19 evicted from or denied eligibility for
20 Federal housing programs;

21 “(II) the effect of eligibility deni-
22 als and evictions on homelessness,
23 family stability and family reunifica-
24 tion;

1 “(III) the extent to which arrest
2 records are the basis for denying ap-
3 plications;

4 “(IV) the implications of consid-
5 ering misdemeanors 5 or more years
6 old and felonies 10 or more years old
7 and the appropriateness of taking into
8 account rehabilitation and other miti-
9 gating factors; and

10 “(V) the feasibility of using pro-
11 bationary or conditional eligibility
12 based on participation in a supervised
13 rehabilitation program or other appro-
14 priate social services;

15 “(ix) reentry procedures, case plan-
16 ning, and transitions of persons from the
17 custody of the Federal Bureau of Prisons
18 to a Federal parole or probation program
19 or community corrections;

20 “(x) laws, regulations, rules, and
21 practices that may require a parolee to re-
22 turn to the same county that the parolee
23 was living in prior to his or her arrest, and
24 the potential for changing such laws, regu-
25 lations, rules, and practices so that the pa-

1 rolee may change his or her location upon
2 release, and not settle in the same location
3 with persons who may be a negative influ-
4 ence; and

5 “(xi) prerelease planning procedures
6 for prisoners to ensure that a prisoner’s
7 eligibility for Federal or State benefits (in-
8 cluding Medicaid, Medicare, Social Secu-
9 rity and Veterans benefits) upon release is
10 established prior to release, subject to any
11 limitations in law; and to ensure that pris-
12 oners are provided with referrals to appro-
13 priate social and health services or are
14 linked to appropriate nonprofit organiza-
15 tions.

16 “(4) ANNUAL REPORTS.—On an annual basis,
17 the task force required by paragraph (1) shall sub-
18 mit to Congress a report on the activities of the task
19 force, including specific recommendations of the task
20 force on matters referred to in paragraph (2). Any
21 statistical analysis of population data pursuant to
22 this section shall be conducted in accordance with
23 the Federal Register Notice dated October 30, 1997,
24 relating to classification standards.”.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—Section
 2 2976 of the Omnibus Crime Control and Safe Streets Act
 3 of 1968 (42 U.S.C. 3797w) is amended in subsection
 4 (o)(1), as so redesignated by subsection (c) of this section,
 5 by striking “and \$16,000,000 for fiscal year 2005” and
 6 inserting “\$100,000,000 for fiscal year 2007, and
 7 \$100,000,000 for fiscal year 2008”.

8 (e) GRANT AUTHORIZATION.—Section 2976(a) of the
 9 Omnibus Crime Control and Safe Streets Act of 1968 (42
 10 U.S.C. 3797w(a)) is amended by striking “States, Terri-
 11 tories” and all that follows through the period at the end
 12 and inserting “States, local governments, territories, or
 13 Indian tribes, or any combination thereof, in partnership
 14 with stakeholders, service providers, and nonprofit organi-
 15 zations, for purpose of establishing adult and juvenile of-
 16 fender reentry demonstration projects.”.

17 **SEC. 106. CHILDREN OF INCARCERATED PARENTS AND**
 18 **FAMILIES.**

19 The Secretary of Health and Human Services may—

20 (1) review, and make available to States, a re-
 21 port on any recommendations regarding the role of
 22 State child protective services at the time of the ar-
 23 rest of a person; and

24 (2) by regulation, establish such services as the
 25 Secretary determines necessary for the preservation

1 of families that have been impacted by the incarceration
2 ation of a family member with special attention
3 given to the impact on children.

4 **SEC. 107. ENCOURAGEMENT OF EMPLOYMENT OF FORMER**
5 **PRISONERS.**

6 The Secretary of Labor shall take such steps as are
7 necessary to implement a program, including the Employ-
8 ment and Training Administration, to educate employers
9 and 1-stop center workforce development providers about
10 existing incentives, including the Federal bonding program
11 and tax credits for hiring former Federal, State, or local
12 prisoners.

13 **SEC. 108. FEDERAL RESOURCE CENTER FOR CHILDREN OF**
14 **PRISONERS.**

15 There are authorized to be appropriated to the Sec-
16 retary of Health and Human Services for fiscal years 2007
17 and 2008, such sums as may be necessary for the con-
18 tinuing activities of the Federal Resource Center for Chil-
19 dren of Prisoners, including conducting a review of the
20 policies and practices of State and Federal corrections
21 agencies to support parent-child relationships.

1 **SEC. 109. USE OF VIOLENT OFFENDER TRUTH-IN-SEN-**
 2 **TENCING GRANT FUNDING FOR DEMONSTRA-**
 3 **TION PROJECT ACTIVITIES.**

4 Section 20102(a) of the Violent Crime Control and
 5 Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is
 6 amended—

7 (1) in paragraph (2), by striking “and” at the
 8 end;

9 (2) in paragraph (3), by striking the period at
 10 the end and inserting “; and”; and

11 (3) by adding at the end the following new
 12 paragraph:

13 “(4) to carry out any activity referred to in
 14 subsections (b) and (c) of section 2976 of the Omni-
 15 bus Crime Control and Safe Streets Act of 1968 (42
 16 U.S.C. 3797w (b), (c)).”.

17 **SEC. 110. GRANTS TO STUDY PAROLE OR POST-INCARCER-**
 18 **ATION SUPERVISION VIOLATIONS AND REV-**
 19 **OCATIONS.**

20 (a) GRANTS AUTHORIZED.—From amounts made
 21 available to carry out this section, the Attorney General
 22 may award grants to States to study and to improve the
 23 collection of data with respect to individuals whose parole
 24 or post incarceration supervision is revoked and which
 25 such individuals represent the greatest risk to community
 26 safety.

1 (b) APPLICATION.—As a condition of receiving a
2 grant under this section, a State shall—

3 (1) certify that the State has, or intends to es-
4 tablish, a program that collects comprehensive and
5 reliable data with respect to individuals described in
6 subsection (a), including data on—

7 (A) the number and type of parole or post
8 incarceration supervision violations that occur
9 with the State;

10 (B) the reasons for parole or post-incarcer-
11 ation supervision revocation;

12 (C) the underlying behavior that led to the
13 revocation; and

14 (D) the term of imprisonment or other
15 penalty that is imposed for the violation; and

16 (2) provide the data described in paragraph (1)
17 to the Bureau of Justice Statistics, in a form pre-
18 scribed by the Bureau. Any statistical analysis of
19 population data pursuant to this section shall be
20 conducted in accordance with the Federal Register
21 Notice dated October 30, 1997, relating to classifica-
22 tion standards.

23 (c) AUTHORIZATION OF APPROPRIATIONS.—There
24 are authorized to be appropriated to carry out this section
25 \$1,000,000 for each fiscal years 2007 and 2008.

1 **SEC. 111. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE**
2 **ABUSE TREATMENT FOR STATE PRISONERS**
3 **PROGRAM.**

4 (a) DEFINITION.—Section 1902 of the Omnibus
5 Crime Control and Safe Streets Act of 1968 (42 U.S.C.
6 3796ff–1) is amended by—

7 (1) redesignating subsections (c) through (f) as
8 subsections (d) through (g), respectively; and

9 (2) inserting after subsection (b) the following:

10 “(c) RESIDENTIAL SUBSTANCE ABUSE TREAT-
11 MENT.—In this section, the term ‘residential substance
12 abuse treatment’—

13 “(1) means a course of individual and group ac-
14 tivities and treatment, lasting at least 6 months, in
15 residential treatment facilities set apart from the
16 general prison population; and

17 “(2) can include the use of pharmacotherapies
18 where appropriate, that may extend beyond the 6-
19 month period.”.

20 (b) REQUIREMENT FOR AFTER CARE COMPONENT.—
21 Subsection (d) of section 1902 of the Omnibus Crime Con-
22 trol and Safe Streets Act of 1968 (42 U.S.C. 3796ff–1),
23 as so redesignated by subsection (a) of this section, is
24 amended—

25 (1) in the subsection heading, by striking “ELI-
26 GIBILITY FOR PREFERENCE WITH AFTER CARE

1 COMPONENT” and inserting “REQUIREMENT FOR
2 AFTER CARE COMPONENT”;

3 (2) by amending paragraph (1) to read as fol-
4 lows:

5 “(1) To be eligible for funding under this part,
6 a State shall ensure that individuals who participate
7 in the substance abuse treatment program estab-
8 lished or implemented with assistance provided
9 under this part will be provided with after care serv-
10 ices.”; and

11 (3) by adding at the end the following new
12 paragraph:

13 “(4) After care services required by this sub-
14 section shall be funded by the funding provided in
15 this part.”.

16 **SEC. 112. RESIDENTIAL DRUG ABUSE PROGRAM IN FED-**
17 **ERAL PRISONS.**

18 Section 3621(e)(5)(A) of title 18, United States
19 Code, is amended by striking “means a course of” and
20 all that follows through the semicolon at the end and in-
21 serting the following: “means a course of individual and
22 group activities and treatment, lasting at least 6 months,
23 in residential treatment facilities set apart from the gen-
24 eral prison population, which may include the use of

1 pharmacotherapies, where appropriate, that may extend
 2 beyond the 6-month period;”.

3 **SEC. 113. REMOVAL OF LIMITATION ON AMOUNT OF FUNDS**
 4 **AVAILABLE FOR CORRECTIONS EDUCATION**
 5 **PROGRAMS UNDER THE ADULT EDUCATION**
 6 **AND FAMILY LITERACY ACT.**

7 (a) IN GENERAL.—Section 222(a)(1) of the Adult
 8 Education and Family Literacy Act (20 U.S.C.
 9 9222(a)(1)) is amended by striking “, of which not more
 10 than 10 percent of the 82.5 percent shall be available to
 11 carry out section 225”.

12 (b) REPORT.—Not later than 180 days after the date
 13 of the enactment of this Act, the Secretary of Education
 14 shall submit to Congress a report—

15 (1) on the use of literacy funds to correctional
 16 institutions as defined in section 225(d)(2) of the
 17 Adult Education and Family Literacy Act (20
 18 U.S.C. 9224); and

19 (2) that specifies the amount of literacy funds
 20 that are provided to each category of correctional in-
 21 stitution in each State, and identify whether funds
 22 are being sufficiently allocated among the various
 23 types of institutions.

1 **SEC. 114. TECHNICAL AMENDMENT TO DRUG-FREE STU-**
 2 **DENT LOANS PROVISION TO ENSURE THAT IT**
 3 **APPLIES ONLY TO OFFENSES COMMITTED**
 4 **WHILE RECEIVING FEDERAL AID.**

5 Section 484(r)(1) of the Higher Education Act of
 6 1965 (20 U.S.C. 1091(r)(1)) is amended by striking “A
 7 student” and all that follows through “table:” and insert-
 8 ing the following: “A student who is convicted of any of-
 9 fense under any Federal or State law involving the posses-
 10 sion or sale of a controlled substance for conduct that oc-
 11 curred during a period of enrollment for which the student
 12 was receiving any grant, loan, or work assistance under
 13 this title shall not be eligible to receive any grant, loan,
 14 or work assistance under this title from the date of that
 15 conviction for the period of time specified in the following
 16 table:”.

17 **SEC. 115. MENTORING GRANTS TO NONPROFIT ORGANIZA-**
 18 **TIONS.**

19 (a) **AUTHORITY TO MAKE GRANTS.**—From amounts
 20 made available to carry out this section, the Attorney Gen-
 21 eral of the United States, in collaboration with the Sec-
 22 retary of Labor and the Secretary of Housing and Urban
 23 Development, shall make grants to nonprofit organizations
 24 for the purpose of providing mentoring and other transi-
 25 tional services essential to reintegrating ex-offenders.

1 (b) USE OF FUNDS.—Grant funds awarded under
2 subsection (a) may be used for—

3 (1) mentoring adult and juvenile offenders dur-
4 ing incarceration, through transition back to the
5 community, and post release; and

6 (2) transitional services to assist in the re-
7 integration of ex-offenders into the community.

8 (c) APPLICATION; PRIORITY CONSIDERATION.—To
9 be eligible to receive a grant under this section, a nonprofit
10 organization shall submit an application to the Attorney
11 General based on criteria developed by the Attorney Gen-
12 eral in consultation with the Secretary of Labor and the
13 Secretary of Housing and Urban Development. Applicants
14 will be given priority consideration if the application—

15 (1) includes a plan to implement activities that
16 have been demonstrated effective in facilitating the
17 successful reentry of offenders; and

18 (2) provides for an independent evaluation that
19 includes, to the maximum extent feasible, random
20 assignment of offenders or ex-offenders to program
21 delivery and control groups.

22 (d) STRATEGIC PERFORMANCE OUTCOMES.—The At-
23 torney General shall require each applicant under this sec-
24 tion to identify specific performance outcomes related to

1 the long-term goal of stabilizing communities by reducing
 2 recidivism and re-integrating ex-offenders into society.

3 (e) AUTHORIZATION OF APPROPRIATIONS.—There
 4 are authorized to be appropriated to the Department of
 5 Justice to carry out this section \$25,000,000 for each of
 6 fiscal years 2007 and 2008.

7 **SEC. 116. CLARIFICATION OF AUTHORITY TO PLACE PRIS-**
 8 **ONER IN COMMUNITY CORRECTIONS.**

9 Section 3624(c) of title 18, United States Code, is
 10 amended to read as follows:

11 “(c) PRERELEASE CUSTODY.—

12 “(1) IN GENERAL.—The Bureau of Prisons
 13 shall, to the extent practicable, assure that a pris-
 14 oner serving a term of imprisonment spends 20 per-
 15 cent of the final portion of the term, not to exceed
 16 12 months, to be served under conditions that will
 17 afford the prisoner a reasonable opportunity to ad-
 18 just to and prepare for the prisoner’s reentry into
 19 the community. Such conditions may include a com-
 20 munity correctional facility.

21 “(2) AUTHORITY.—This subsection authorizes
 22 the Bureau of Prisons to place a prisoner in home
 23 confinement for the last 10 percent of the term to
 24 be served, not to exceed 6 months.

1 “(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during such prerelease custody.

2 “(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Bureau of Prisons granted under section 3621 of this title.”.

3 **SEC. 117. GRANTS TO STATES FOR IMPROVED WORKPLACE**
 4 **AND COMMUNITY TRANSITION TRAINING FOR**
 5 **INCARCERATED YOUTH OFFENDERS.**

6 Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

7 **“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE**
 8 **AND COMMUNITY TRANSITION TRAINING FOR**
 9 **INCARCERATED YOUTH OFFENDERS.**

10 “(a) DEFINITION.—For purposes of this section, the term ‘youth offender’ means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

11 “(b) GRANT PROGRAM.—The Secretary of Education (in this section referred to as the ‘Secretary’)—

12 “(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allo-

1 cations for the States under subsection (h), to assist
2 and encourage youth offenders to acquire functional
3 literacy, life, and job skills, through—

4 “(A) the pursuit of a postsecondary edu-
5 cation certificate, or an associate or bachelor’s
6 degree while in prison; and

7 “(B) employment counseling and other re-
8 lated services which start during incarceration
9 and end not later than 1 year after release from
10 confinement; and

11 “(2) may establish such performance objectives
12 and reporting requirements for State correctional
13 education agencies receiving grants under this sec-
14 tion as the Secretary determines are necessary to as-
15 sess the effectiveness of the program under this sec-
16 tion.

17 “(c) APPLICATION.—To be eligible for a grant under
18 this section, a State correctional education agency shall
19 submit to the Secretary a proposal for a youth offender
20 program that—

21 “(1) identifies the scope of the problem, includ-
22 ing the number of youth offenders in need of post-
23 secondary education and vocational training;

1 “(2) lists the accredited public or private edu-
2 cational institution or institutions that will provide
3 postsecondary educational services;

4 “(3) lists the cooperating agencies, public and
5 private, or businesses that will provide related serv-
6 ices, such as counseling in the areas of career devel-
7 opment, substance abuse, health, and parenting
8 skills;

9 “(4) describes specific performance objectives
10 and evaluation methods (in addition to, and con-
11 sistent with, any objectives established by the Sec-
12 retary under subsection (b)(2)) that the State cor-
13 rectional education agency will use in carrying out
14 its proposal, including—

15 “(A) specific and quantified student out-
16 come measures that are referenced to outcomes
17 for non-program participants with similar de-
18 mographic characteristics; and

19 “(B) measures, consistent with the data
20 elements and definitions described in subsection
21 (d)(1)(A), of—

22 “(i) program completion, including an
23 explicit definition of what constitutes a
24 program completion within the proposal;

1 “(ii) knowledge and skill attainment,
 2 including specification of instruments that
 3 will measure knowledge and skill attain-
 4 ment;

5 “(iii) attainment of employment both
 6 prior to and subsequent to release;

7 “(iv) success in employment indicated
 8 by job retention and advancement; and

9 “(v) recidivism, including such sub-
 10 indicators as time before subsequent of-
 11 fense and severity of offense;

12 “(5) describes how the proposed programs are
 13 to be integrated with existing State correctional edu-
 14 cation programs (such as adult education, graduate
 15 education degree programs, and vocational training)
 16 and State industry programs;

17 “(6) describes how the proposed programs will
 18 have considered or will utilize technology to deliver
 19 the services under this section; and

20 “(7) describes how students will be selected so
 21 that only youth offenders eligible under subsection
 22 (e) will be enrolled in postsecondary programs.

23 “(d) PROGRAM REQUIREMENTS.—Each State correc-
 24 tional education agency receiving a grant under this sec-
 25 tion shall—

1 “(1) annually report to the Secretary regard-
2 ing—

3 “(A) the results of the evaluations con-
4 ducted using data elements and definitions pro-
5 vided by the Secretary for the use of State cor-
6 rectional education programs;

7 “(B) any objectives or requirements estab-
8 lished by the Secretary pursuant to subsection
9 (b)(2); and

10 “(C) the additional performance objectives
11 and evaluation methods contained in the pro-
12 posal described in subsection (c)(4), as nec-
13 essary to document the attainment of project
14 performance objectives; and

15 “(2) expend on each participating eligible stu-
16 dent for an academic year, not more than the max-
17 imum Federal Pell Grant funded under section 401
18 of the Higher Education Act of 1965 for such aca-
19 demic year, which shall be used for—

20 “(A) tuition, books, and essential mate-
21 rials; and

22 “(B) related services such as career devel-
23 opment, substance abuse counseling, parenting
24 skills training, and health education.

1 “(e) STUDENT ELIGIBILITY.—A youth offender shall
2 be eligible for participation in a program receiving a grant
3 under this section if the youth offender—

4 “(1) is eligible to be released within 5 years (in-
5 cluding a youth offender who is eligible for parole
6 within such time); and

7 “(2) is 35 years of age or younger.

8 “(f) LENGTH OF PARTICIPATION.—A State correc-
9 tional education agency receiving a grant under this sec-
10 tion shall provide educational and related services to each
11 participating youth offender for a period not to exceed 5
12 years, 1 year of which may be devoted to study in a grad-
13 uate education degree program or to remedial education
14 services for students who have obtained a secondary school
15 diploma or its recognized equivalent. Educational and re-
16 lated services shall start during the period of incarceration
17 in prison or prerelease, and the related services may con-
18 tinue for not more than 1 year after release from confine-
19 ment.

20 “(g) EDUCATION DELIVERY SYSTEMS.—State cor-
21 rectional education agencies and cooperating institutions
22 shall, to the extent practicable, use high-tech applications
23 in developing programs to meet the requirements and
24 goals of this section.

1 “(h) ALLOCATION OF FUNDS.—From the funds ap-
 2 propriated pursuant to subsection (i) for each fiscal year,
 3 the Secretary shall allot to each State an amount that
 4 bears the same relationship to such funds as the total
 5 number of students eligible under subsection (e) in such
 6 State bears to the total number of such students in all
 7 States.

8 “(i) AUTHORIZATION OF APPROPRIATIONS.—There
 9 are authorized to be appropriated to carry out this section
 10 \$30,000,000 for fiscal years 2007 and 2008.”.

11 **SEC. 118. IMPROVED REENTRY PROCEDURES FOR FED-**
 12 **ERAL PRISONERS.**

13 (a) GENERAL REENTRY PROCEDURES.—The Depart-
 14 ment of Justice shall take such steps as are necessary to
 15 modify existing procedures and policies to enhance case
 16 planning and to improve the transition of persons from
 17 the custody of the Bureau of Prisons to the community,
 18 including placement of such individuals in community cor-
 19 rections facilities.

20 (b) PROCEDURES REGARDING BENEFITS.—

21 (1) IN GENERAL.—The Bureau of Prisons shall
 22 establish reentry planning procedures within the Re-
 23 lease Preparation Program that include providing
 24 Federal inmates with information in the following
 25 areas:

1 (A) Health and nutrition.

2 (B) Employment.

3 (C) Personal finance and consumer skills.

4 (D) Information and community resources.

5 (E) Release requirements and procedures.

6 (F) Personal growth and development.

7 (2) **FORMAT.**—Any written information that the
 8 Bureau of Prisons provides to inmates for reentry
 9 planning purposes shall use common terminology
 10 and language. The Bureau of Prisons shall provide
 11 the United States Probation and Pretrial Services
 12 System with relevant information on the medical
 13 care needs and the mental health treatment needs of
 14 releasing inmates. The United States Probation and
 15 Pretrial Services System shall take this information
 16 into account when developing supervision plans in an
 17 effort to address the medical care and mental health
 18 care needs of these individuals. The Bureau of Pris-
 19 ons shall provide inmates with a sufficient amount
 20 of all necessary medications upon release from cus-
 21 tody.

22 **SEC. 119. REAUTHORIZATION OF LEARN AND SERVE AMER-**
 23 **ICA.**

24 Section 501(a)(1)(A) of the National and Community
 25 Service Act of 1990 (42 U.S.C. 12681(a)(1)(A)) is amend-

1 ed by striking “fiscal year 1994 and such sums as may
 2 be necessary for each of the fiscal years 1995 through
 3 1996” and inserting “fiscal year 2007 and each of the
 4 5 succeeding fiscal years”.

5 **SEC. 120. JOB CORPS.**

6 Section 161 of the Workforce Investment Act of 1998
 7 (29 U.S.C. 2901) is amended by striking “such sums as
 8 may be necessary” and inserting “\$1,800,000,000 (of
 9 which \$300,000,000 shall be designated to create addi-
 10 tional Job Corps centers, especially in high gang activity
 11 areas)”.

12 **SEC. 121. WORKFORCE INVESTMENT ACT YOUTH ACTIVITIES.**

13
 14 Section 137(a) of the Workforce Investment Act of
 15 1998 (29 U.S.C. 2872(a)) is amended by striking “such
 16 sums as may be necessary” and inserting “\$1,000,000”.

17 **SEC. 122. EXPANSION AND REAUTHORIZATION OF THE**
 18 **MENTORING INITIATIVE FOR SYSTEM IN-**
 19 **VOLVED YOUTH.**

20 (a) EXPANSION.—Section 261(a) of the Juvenile Jus-
 21 tice and Delinquency Prevention Act of 2002 (42 U.S.C.
 22 5665) is amended by inserting at the end the following:
 23 “The Administrator shall expand the number of sites re-
 24 ceiving such grants from 4 to 12.”.

1 (b) REAUTHORIZATION.—Section 12213(c) of the Ju-
 2 venile Justice and Delinquency Prevention Act of 2002
 3 (42 U.S.C. 5671) is amended by striking subsection (c)
 4 and inserting the following:

5 “(c) AUTHORIZATION OF APPROPRIATIONS FOR PART
 6 E.—There are authorized to be appropriated to carry out
 7 part E, and authorized to remain available until expended,
 8 \$4,800,000 for fiscal years 2007, 2008, 2009, 2010, and
 9 2011.”.

10 **SEC. 123. STRATEGIC COMMUNITY PLANNING PROGRAM.**

11 Section 30701 of the Violent Crime Control Act of
 12 1994 (42 U.S.C. 13801) is amended by inserting the fol-
 13 lowing:

14 **“SEC. 30701. GRANT AUTHORITY.**

15 “(a) GRANTS.—

16 “(1) IN GENERAL.—In order to prevent gang
 17 activity by juveniles, the Attorney General may
 18 award grants on a competitive basis to eligible local
 19 entities to pay for the Federal share of assisting eli-
 20 gible communities to develop and carry out pro-
 21 grams that target at-risk youth and juvenile offend-
 22 ers aged 11 to 19, who—

23 “(A) have dropped out of school;

24 “(B) have come into contact with the juve-
 25 nile justice system; or

1 “(C) are at risk of dropping out of school
 2 or coming into contact with the juvenile justice
 3 system.

4 “(2) LIMITATION.—No local entity shall receive
 5 a grant of less than \$250,000 in a fiscal year.
 6 Amounts made available through such grants shall
 7 remain available until expended.

8 “(b) PROGRAM REQUIREMENTS.—

9 “(1) PROGRAMS.—A local entity that receives
 10 funds under this section shall develop or expand
 11 community programs in eligible communities that
 12 are designed to target at-risk youths and juvenile of-
 13 fenders through prevention, early intervention, and
 14 graduated sanctions.

15 “(2) OPTIONAL ACTIVITIES.—A local entity
 16 that receives funds under this section may develop a
 17 variety of programs to serve the comprehensive
 18 needs of at-risk youth and juvenile offenders, includ-
 19 ing—

20 “(A) homework assistance and after-school
 21 programs, including educational, social, and
 22 athletic activities;

23 “(B) mentoring programs;

24 “(C) family counseling; and

25 “(D) parental training programs.

1 “(c) ELIGIBLE COMMUNITY IDENTIFICATION.—The
 2 Attorney General through regulation shall define the cri-
 3 teria necessary to qualify as an eligible community as de-
 4 fined in subsection (g)(3).

5 “(d) GRANT ELIGIBILITY.—To be eligible to receive
 6 a grant under this section, a local entity shall—

7 “(1) identify an eligible community to be as-
 8 sisted;

9 “(2) develop a community planning process that
 10 includes—

11 “(A) parents and family members;

12 “(B) local school officials;

13 “(C) teachers employed at schools within
 14 the eligible community;

15 “(D) local public officials;

16 “(E) law enforcement officers and officials;

17 “(F) ministers and faith-based organiza-
 18 tions;

19 “(G) public housing authorities;

20 “(H) public housing resident organization
 21 members, where applicable; and

22 “(I) public and private nonprofit organiza-
 23 tions that provide education, child protective
 24 services, or other human services to low-income,

1 at-risk youth and juvenile offenders, and their
 2 families; and

3 “(3) develop a concentrated strategy for imple-
 4 mentation of the community planning process devel-
 5 oped under paragraph (2) that targets clusters of at-
 6 risk youth and juvenile offenders in the eligible com-
 7 munity.

8 “(e) APPLICATIONS.—

9 “(1) APPLICATION REQUIRED.—To be eligible
 10 to receive a grant under this section, a local entity
 11 shall submit an application to the Attorney General
 12 at such time, in such manner, and accompanied by
 13 such information, as the Attorney General may rea-
 14 sonably require, and obtain approval of such applica-
 15 tion.

16 “(2) CONTENTS OF APPLICATION.—Each appli-
 17 cation submitted under paragraph (1) shall—

18 “(A) contain a comprehensive plan for the
 19 program that is designed to improve the aca-
 20 demic and social development of at-risk youths
 21 and juvenile offenders in the eligible commu-
 22 nity;

23 “(B) provide evidence of support for ac-
 24 complishing the objectives of such plan from—

25 “(i) community leaders;

1 “(ii) a school district;

2 “(iii) local officials; and

3 “(iv) other organizations that the
4 local entity determines to be appropriate;

5 “(C) provide an assurance that the local
6 entity will use grant funds received under this
7 subsection to implement the program require-
8 ments listed in subsection (b);

9 “(D) include an estimate of the number of
10 children in the eligible community expected to
11 be served under the program;

12 “(E) provide an assurance that the local
13 entity shall prepare and submit to the Attorney
14 General an annual report regarding any pro-
15 gram conducted under this section; and

16 “(F) provide an assurance that the local
17 entity will maintain separate accounting records
18 for the program.

19 “(3) PRIORITY.—In awarding grants to carry
20 out programs under this section, the Attorney Gen-
21 eral shall give priority to local entities which submit
22 applications that demonstrate the greatest effort in
23 generating local support for the programs.

24 “(f) FEDERAL SHARE.—

1 “(1) PAYMENTS.—The Attorney General shall,
 2 subject to the availability of appropriations, pay to
 3 each local entity having an application approved
 4 under subsection (e) the Federal share of the costs
 5 of developing and carrying out programs referred to
 6 in subsection (b).

7 “(2) FEDERAL SHARE.—The Federal share of
 8 such costs shall be 70 percent.

9 “(3) NON-FEDERAL SHARE.—The non-Federal
 10 share of such costs may be in cash or in kind, fairly
 11 evaluated, including personnel, plant, equipment,
 12 and services.

13 “(g) DEFINITIONS.—For purposes of this section—

14 “(1) the term ‘Attorney General’ means the At-
 15 torney General of the United States;

16 “(2) the term ‘local entity’ means—

17 “(A) a local educational agency, or

18 “(B) a community-based organization as
 19 defined in section 1471(3) of the Elementary
 20 and Secondary Education Act of 1965;

21 “(3) the term ‘eligible community’ means an
 22 area which meets criteria with respect to significant
 23 poverty and significant violent crime, and such addi-
 24 tional criteria, as the Attorney General may by regu-
 25 lation require.

1 “(h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated for grants under this
3 section—

4 “(1) \$10,000,000 for fiscal year 2007;

5 “(2) \$11,000,000 for fiscal year 2008;

6 “(3) \$12,000,000 for fiscal year 2009;

7 “(4) \$13,000,000 for fiscal year 2010; and

8 “(5) \$14,000,000 for fiscal year 2011.”.

9 **SEC. 124. REAUTHORIZATION OF THE GANG RESISTANCE**
10 **EDUCATION AND TRAINING PROJECTS PRO-**
11 **GRAM AND INCREASE FUNDING FOR THE NA-**
12 **TIONAL YOUTH GANG SURVEY.**

13 Section 32401 of the Violent Crime Control and Law
14 Enforcement Act of 1994 (42 U.S.C. 13921) is amend-
15 ed—

16 (1) in subsection (b), by striking paragraphs
17 (1) through (6) and inserting the following:

18 “(A) \$21,000,000 for fiscal year 2007;

19 “(B) \$21,000,000 for fiscal year 2008;

20 “(C) \$21,000,000 for fiscal year 2009;

21 “(D) \$21,000,000 for fiscal year 2010;

22 and

23 “(E) \$21,000,000 for fiscal year 2011;”;

24 and

25 (2) adding at the end the following:

1 “(c) USE OF FUNDS.—Up to \$1,000,000 annually of
 2 such funds authorized under this Section shall be used to
 3 increase the number of samples collected by the National
 4 Youth Gang Center for its annual National Youth Gang
 5 Survey.”.

6 **TITLE II—SUPPRESSION AND**
 7 **COMMUNITY ANTI-GANG INI-**
 8 **TIATIVES**

9 **Subtitle A—Gang Activity Policing**
 10 **Program**

11 **SEC. 201. AUTHORITY TO MAKE GANG ACTIVITY POLICING**
 12 **GRANTS.**

13 The Attorney General may make grants to States,
 14 units of local government, Indian tribal governments,
 15 other public and private entities, and multi-jurisdictional
 16 or regional consortia thereof to increase police presence,
 17 to expand and improve cooperative efforts between law en-
 18 forcement agencies and members of the community to ad-
 19 dress gang activity problems, and otherwise to enhance
 20 public safety.

21 **SEC. 202. ELIGIBLE ACTIVITIES.**

22 Grants made under this subtitle may include pro-
 23 grams, projects, and other activities to—

1 (1) rehire law enforcement officers who have
2 been laid off as a result of State and local budget
3 reductions for deployment to reduce gang activity;

4 (2) hire and train new, additional career law
5 enforcement officers for deployment to reduce gang
6 activity across the Nation;

7 (3) procure equipment, technology, or support
8 systems, or pay overtime, to increase the number of
9 officers deployed in gang activity policing;

10 (4) award grants to pay for officers hired to
11 perform intelligence in reducing gang activity;

12 (5) increase the number of law enforcement of-
13 ficers involved in activities that are focused on inter-
14 action with members of the community on proactive
15 gang control and prevention by redeploying officers
16 to such activities;

17 (6) establish and implement innovative pro-
18 grams to increase and enhance proactive crime con-
19 trol and gang prevention programs involving law en-
20 forcement officers and young persons in the commu-
21 nity;

22 (7) establish school-based partnerships between
23 local law enforcement agencies and local school sys-
24 tems by using school resource officers who operate

1 in and around elementary and secondary schools to
2 combat gangs;

3 (8) develop new technologies, including inter-
4 operable communications technologies, modernized
5 criminal record technology, and forensic technology,
6 to assist State and local law enforcement agencies in
7 reducing gang activity and to train law enforcement
8 officers to use such technologies; and

9 (9) support the purchase by a law enforcement
10 agency of no more than 1 service weapon per officer,
11 upon hiring for deployment in gang activity policing
12 or, if necessary, upon existing officers' initial rede-
13 ployment to gang activity policing.

14 **SEC. 203. PREFERENTIAL CONSIDERATION OF APPLICA-**
15 **TIONS FOR CERTAIN GRANTS.**

16 In awarding grants under this subtitle, the Attorney
17 General may give preferential consideration, where fea-
18 sible, to applications—

19 (1) for hiring and rehiring additional career law
20 enforcement officers that involve a non-Federal con-
21 tribution exceeding the 25 percent minimum under
22 this subtitle; and

23 (2) that are located in a high intensity inter-
24 state gang activity area designated pursuant to sec-
25 tion 211.

1 **SEC. 204. UTILIZATION OF COMPONENTS.**

2 The Attorney General may utilize any component or
3 components of the Department of Justice in carrying out
4 this subtitle.

5 **SEC. 205. MINIMUM AMOUNT.**

6 Unless all applications submitted by any State and
7 grantee within the State pursuant to this subtitle have
8 been funded, each qualifying State, together with grantees
9 within the State, shall receive in each fiscal year pursuant
10 to this subtitle not less than 0.5 percent of the total
11 amount appropriated in the fiscal year for grants pursuant
12 to that section. In this section, “qualifying State” means
13 any State which has submitted an application for a grant,
14 or in which an eligible entity has submitted an application
15 for a grant, which meets the requirements prescribed by
16 the Attorney General and the conditions set out in this
17 subtitle.

18 **SEC. 206. MATCHING FUNDS.**

19 The portion of the costs of a program, project, or ac-
20 tivity provided by this subtitle may not exceed 75 percent,
21 unless the Attorney General waives, wholly or in part, the
22 requirement under this section of a non-Federal contribu-
23 tion to the costs of a program, project, or activity. In rela-
24 tion to a grant for a period exceeding 1 year for hiring
25 or rehiring career law enforcement officers, the Federal
26 share shall decrease from year to year for up to 5 years,

1 looking toward the continuation of the increased hiring
 2 level using State or local sources of funding following the
 3 conclusion of Federal support.

4 **SEC. 207. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to carry out
 6 this subtitle \$700,000,000 for each of the fiscal years
 7 2007 through 2011. Any amount appropriated under this
 8 section shall remain available until expended.

9 **Subtitle B—High Intensity**
 10 **Interstate Gang Activity Areas**

11 **SEC. 211. DESIGNATION OF AND ASSISTANCE FOR “HIGH IN-**
 12 **TENSITY” INTERSTATE GANG ACTIVITY**
 13 **AREAS.**

14 (a) DEFINITIONS.—In this section the following defi-
 15 nitions shall apply:

16 (1) GOVERNOR.—The term “Governor” means
 17 a Governor of a State or the Mayor of the District
 18 of Columbia.

19 (2) HIGH INTENSITY INTERSTATE GANG ACTIV-
 20 ITY AREA.—The term “high intensity interstate
 21 gang activity area” means an area within a State
 22 that is designated as a high intensity interstate gang
 23 activity area under subsection (b)(1).

24 (3) STATE.—The term “State” means a State
 25 of the United States, the District of Columbia, and

1 any commonwealth, territory, or possession of the
2 United States. The term “State” shall include an
3 “Indian tribe”, as defined by section 102 of the Fed-
4 erally Recognized Indian Tribe List Act of 1994 (25
5 U.S.C. 479a).

6 (b) HIGH INTENSITY INTERSTATE GANG ACTIVITY
7 AREAS.—

8 (1) DESIGNATION.—The Attorney General,
9 after consultation with the Governors of appropriate
10 States, may designate as high intensity interstate
11 gang activity areas, specific areas that are located
12 within 1 or more States. To the extent that the
13 goals of a high intensity interstate gang activity area
14 (HIIGAA) overlap with the goals of a high intensity
15 drug trafficking area (HIDTA), the Attorney Gen-
16 eral may merge the 2 areas to serve as a dual-pur-
17 pose entity. The Attorney General may not make the
18 final designation of a high intensity interstate gang
19 activity area without first consulting with and receiv-
20 ing comment from local elected officials representing
21 communities within the State of the proposed des-
22 ignation.

23 (2) ASSISTANCE.—In order to provide Federal
24 assistance to high intensity interstate gang activity
25 areas, the Attorney General shall—

1 (A) establish criminal street gang enforce-
2 ment teams, consisting of Federal, State, and
3 local law enforcement authorities, for the co-
4 ordinated investigation, disruption, apprehen-
5 sion, and prosecution of criminal street gangs
6 and offenders in each high intensity interstate
7 gang activity area;

8 (B) direct the reassignment or detailing
9 from any Federal department or agency (sub-
10 ject to the approval of the head of that depart-
11 ment or agency, in the case of a department or
12 agency other than the Department of Justice)
13 of personnel to each criminal street gang en-
14 forcement team; and

15 (C) provide all necessary funding for the
16 operation of the criminal street gang enforce-
17 ment team in each high intensity interstate
18 gang activity area.

19 (3) COMPOSITION OF CRIMINAL STREET GANG
20 ENFORCEMENT TEAM.—The team established pursu-
21 ant to paragraph (2)(A) shall consist of agents and
22 officers, where feasible, from—

23 (A) the Bureau of Alcohol, Tobacco, Fire-
24 arms, and Explosives;

25 (B) the Department of Homeland Security;

- 1 (C) the Department of Housing and Urban
- 2 Development;
- 3 (D) the Drug Enforcement Administration;
- 4 (E) the Internal Revenue Service;
- 5 (F) the Federal Bureau of Investigation;
- 6 (G) the United States Marshal's Service;
- 7 (H) the United States Postal Service;
- 8 (I) State and local law enforcement; and
- 9 (J) Federal, State and local prosecutors.

10 (4) CRITERIA FOR DESIGNATION.—In consid-
11 ering an area for designation as a high intensity
12 interstate gang activity area under this section, the
13 Attorney General shall consider—

14 (A) the current and predicted levels of
15 gang crime activity in the area;

16 (B) the extent to which violent crime in
17 the area appears to be related to criminal street
18 gang activity, such as drug trafficking, murder,
19 robbery, assaults, carjacking, arson, kidnap-
20 ping, extortion, and other criminal activity;

21 (C) the extent to which State and local law
22 enforcement agencies have committed resources
23 to—

24 (i) respond to the gang crime prob-
25 lem; and

1 (ii) participate in a gang enforcement
2 team;

3 (D) the extent to which a significant in-
4 crease in the allocation of Federal resources
5 would enhance local response to the gang crime
6 activities in the area; and

7 (E) any other criteria that the Attorney
8 General considers to be appropriate.

9 (c) AUTHORIZATION OF APPROPRIATIONS.—

10 (1) IN GENERAL.—There are authorized to be
11 appropriated \$100,000,000 for each of the fiscal
12 years 2007 to 2011 to carry out this section.

13 (2) USE OF FUNDS.—Of amounts made avail-
14 able under paragraph (1) in each fiscal year—

15 (A) 50 percent shall be used to carry out
16 subsection (b)(2); and

17 (B) 50 percent shall be used to make
18 grants available for community-based programs
19 to provide crime prevention, research, and
20 intervention services that are designed for gang
21 members and at-risk youth in areas designated
22 pursuant to this section as high intensity inter-
23 state gang activity areas.

24 (3) REPORTING REQUIREMENTS.—By February
25 1st of each year, the Attorney General shall provide

1 a report to Congress which describes, for each des-
 2 ignated high intensity interstate gang activity
 3 area—

4 (A) the specific long-term and short-term
 5 goals and objectives;

6 (B) the measurements used to evaluate the
 7 performance of the high intensity interstate
 8 gang activity area in achieving the long-term
 9 and short-term goals;

10 (C) the age, composition, and membership
 11 of “gangs”;

12 (D) the number and nature of crimes com-
 13 mitted by “gangs”; and

14 (E) the definition of the term “gang” used
 15 to compile this report.

16 **Subtitle C—Additional Funding**

17 **SEC. 221. ADDITIONAL RESOURCES NEEDED BY THE FED-**
 18 **ERAL BUREAU OF INVESTIGATION TO INVES-**
 19 **TIGATE AND PROSECUTE VIOLENT CRIMINAL**
 20 **STREET GANGS.**

21 (a) RESPONSIBILITIES OF ATTORNEY GENERAL.—
 22 The Attorney General is authorized to require the Federal
 23 Bureau of Investigation to—

24 (1) increase funding for the Safe Streets Pro-
 25 gram; and

1 (2) support the criminal street gang enforce-
 2 ment teams, established under section 211(b), in
 3 designated high intensity interstate gang activity
 4 areas.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—

6 (1) IN GENERAL.—In addition to amounts oth-
 7 erwise authorized, there are authorized to be appro-
 8 priated to the Attorney General \$5,000,000 for each
 9 of the fiscal years 2007 through 2011 to carry out
 10 the Safe Streets Program.

11 (2) AVAILABILITY.—Any amounts appropriated
 12 pursuant to paragraph (1) shall remain available
 13 until expended.

14 **SEC. 222. GRANTS TO PROSECUTORS AND LAW ENFORCE-**
 15 **MENT TO COMBAT VIOLENT CRIME AND TO**
 16 **PROTECT WITNESSES AND VICTIMS OF**
 17 **CRIMES.**

18 (a) IN GENERAL.—Section 31702 of the Violent
 19 Crime Control and Law Enforcement Act of 1994 (42
 20 U.S.C. 13862) is amended—

21 (1) in paragraph (3), by striking “and” at the
 22 end;

23 (2) in paragraph (4), by striking the period at
 24 the end and inserting a semicolon; and

25 (3) by adding at the end the following:

1 “(5) to hire additional prosecutors to—

2 “(A) allow more cases to be prosecuted;

3 and

4 “(B) reduce backlogs;

5 “(6) to fund technology, equipment, and train-

6 ing for prosecutors and law enforcement in order to

7 increase accurate identification of gang members

8 and violent offenders, and to maintain databases

9 with such information to facilitate coordination

10 among law enforcement and prosecutors; and

11 “(7) to create and expand witness and victim

12 protection programs to prevent threats, intimidation,

13 and retaliation against victims of, and witnesses to,

14 violent crimes.”.

15 (b) AUTHORIZATION OF APPROPRIATIONS.—Section

16 31707 of the Violent Crime Control and Law Enforcement

17 Act of 1994 (42 U.S.C. 13867) is amended to read as

18 follows:

19 **“SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.**

20 “(a) IN GENERAL.—There are authorized to be ap-

21 propriated \$20,000,000 for each of the fiscal years 2007

22 through 2011 to carry out this subtitle.

23 “(b) USE OF FUNDS.—Of the amounts made avail-

24 able under subsection (a), in each fiscal year 60 percent

25 shall be used to carry out section 31702(7) to create and

1 expand witness and victim protection programs to prevent
 2 threats, intimidation, and retaliation against victims of,
 3 and witnesses to, violent crimes.”.

4 **SEC. 223. ENHANCEMENT OF PROJECT SAFE NEIGHBOR-**
 5 **HOODS INITIATIVE TO IMPROVE ENFORCE-**
 6 **MENT OF CRIMINAL LAWS AGAINST VIOLENT**
 7 **GANGS.**

8 (a) IN GENERAL.—While maintaining the focus of
 9 Project Safe Neighborhoods as a comprehensive, strategic
 10 approach to reducing gun violence in America, the Attor-
 11 ney General is authorized to expand the Project Safe
 12 Neighborhoods program to require each United States at-
 13 torney to—

14 (1) identify, investigate, and prosecute signifi-
 15 cant criminal street gangs operating within their dis-
 16 trict;

17 (2) coordinate the identification, investigation,
 18 and prosecution of criminal street gangs among Fed-
 19 eral, State, and local law enforcement agencies; and

20 (3) coordinate and establish criminal street
 21 gang enforcement teams, established under section
 22 110(b), in high intensity interstate gang activity
 23 areas within a United States attorney’s district.

24 (b) ADDITIONAL STAFF FOR PROJECT SAFE NEIGH-
 25 BORHOODS.—

1 (1) IN GENERAL.—The Attorney General may
 2 hire Assistant United States attorneys, non-attorney
 3 coordinators, or paralegals to carry out the provi-
 4 sions of this section.

5 (2) AUTHORIZATION OF APPROPRIATIONS.—
 6 There are authorized to be appropriated \$7,500,000
 7 for each of the fiscal years 2007 through 2011 to
 8 carry out this section.

9 **TITLE III—PUNISHMENT AND** 10 **IMPROVED CRIME DATA**

11 **SEC. 301. CRIMINAL STREET GANGS.**

12 (a) CRIMINAL STREET GANG PROSECUTIONS.—Sec-
 13 tion 521 of title 18, United States Code, is amended to
 14 read as follows:

15 **“§ 521. Criminal street gang prosecutions**

16 “(a) DEFINITIONS.—As used in this chapter:

17 “(1) CRIMINAL STREET GANG.—The term
 18 ‘criminal street gang’ means a formal or informal
 19 group, club, organization, or association of 3 or
 20 more individuals, who individually, jointly, or in
 21 combination, have committed or attempted to com-
 22 mit for the direct or indirect benefit of, at the direc-
 23 tion of, in furtherance of, or in association with the
 24 group, club organization, or association at least 2
 25 separate acts, each of which is a predicate gang

1 crime, 1 of which occurs after the date of enactment
 2 of the Gang Prevention and Effective Deterrence
 3 Act of 2004 and the last of which occurs not later
 4 than 10 years (excluding any period of imprison-
 5 ment) after the commission of a prior predicate gang
 6 crime, and 1 predicate gang crime is a crime of vio-
 7 lence or involves manufacturing, importing, distrib-
 8 uting, possessing with intent to distribute, or other-
 9 wise dealing in a controlled substance or listed
 10 chemicals (as those terms are defined in section 102
 11 of the Controlled Substances Act (21 U.S.C. 802))
 12 provided that the activities of the criminal street
 13 gang affect interstate or foreign commerce, or in-
 14 volve the use of any facility of, or travel in, inter-
 15 state or foreign commerce.

16 “(2) PREDICATE GANG CRIME.—The term
 17 ‘predicate gang crime’ means—

18 “(A) any act, threat, conspiracy, or at-
 19 tempted act, which is chargeable under Federal
 20 or State law and punishable by imprisonment
 21 for more than 1 year involving—

22 “(i) murder;

23 “(ii) manslaughter;

24 “(iii) maiming;

- 1 “(iv) assault with a dangerous weap-
- 2 on;
- 3 “(v) assault resulting in serious bodily
- 4 injury;
- 5 “(vi) gambling;
- 6 “(vii) kidnapping;
- 7 “(viii) robbery;
- 8 “(ix) extortion;
- 9 “(x) arson;
- 10 “(xi) obstruction of justice;
- 11 “(xii) tampering with or retaliating
- 12 against a witness, victim, or informant;
- 13 “(xiii) burglary;
- 14 “(xiv) sexual assault (which means
- 15 any offense that involves conduct that
- 16 would violate chapter 109A if the conduct
- 17 occurred in the special maritime and terri-
- 18 torial jurisdiction);
- 19 “(xv) carjacking; or
- 20 “(xvi) manufacturing, importing, dis-
- 21 tributing, possessing with intent to dis-
- 22 tribute, or otherwise dealing in a controlled
- 23 substance or listed chemicals (as those
- 24 terms are defined in section 102 of the

1 Controlled Substances Act (21 U.S.C.
2 802));

3 “(B) any act punishable by imprisonment
4 for more than 1 year under—

5 “(i) section 844 (relating to explosive
6 materials);

7 “(ii) section 922(g)(1) (where the un-
8 derlying conviction is a violent felony (as
9 defined in section 924(e)(2)(B) of this
10 title) or is a serious drug offense (as de-
11 fined in section 924(e)(2)(A) of this title));

12 “(iii) subsection (a)(2), (b), (c), (g),
13 or (h) of section 924 (relating to receipt,
14 possession, and transfer of firearms);

15 “(iv) sections 1028 and 1029 (relating
16 to fraud and related activity in connection
17 with identification documents or access de-
18 vices);

19 “(v) section 1503 (relating to obstruc-
20 tion of justice);

21 “(vi) section 1510 (relating to ob-
22 struction of criminal investigations);

23 “(vii) section 1512 (relating to tam-
24 pering with a witness, victim, or inform-
25 ant), or section 1513 (relating to retali-

1 ating against a witness, victim, or inform-
2 ant);

3 “(viii) section 1708 (relating to theft
4 of stolen mail matter);

5 “(ix) section 1951 (relating to inter-
6 ference with commerce, robbery or extor-
7 tion);

8 “(x) section 1952 (relating to racket-
9 eering);

10 “(xi) section 1956 (relating to the
11 laundering of monetary instruments);

12 “(xii) section 1957 (relating to engag-
13 ing in monetary transactions in property
14 derived from specified unlawful activity);

15 “(xiii) section 1958 (relating to use of
16 interstate commerce facilities in the com-
17 mission of murder-for-hire); or

18 “(xiv) sections 2312 through 2315
19 (relating to interstate transportation of
20 stolen motor vehicles or stolen property);
21 or

22 “(C) any act involving the Immigration
23 and Nationality Act, section 274 (relating to
24 bringing in and harboring certain aliens), sec-
25 tion 277 (relating to aiding or assisting certain

1 aliens to enter the United States), or section
2 278 (relating to importation of alien for im-
3 moral purpose).

4 “(3) STATE.—The term ‘State’ means each of
5 the several States of the United States, the District
6 of Columbia, and any commonwealth, territory, or
7 possession of the United States.

8 “(b) PARTICIPATION IN CRIMINAL STREET GANGS.—
9 It shall be unlawful—

10 “(1) to commit, or conspire or attempt to com-
11 mit a predicate crime—

12 “(A) in furtherance or in aid of the activi-
13 ties of a criminal street gang;

14 “(B) for the purpose of gaining entrance
15 to or maintaining or increasing position in such
16 a gang; or

17 “(C) for the direct or indirect benefit of
18 the criminal street gang, or in association with
19 the criminal street gang; or

20 “(2) to employ, use, command, counsel, per-
21 suade, induce, entice, or coerce any individual to
22 commit, cause to commit, or facilitate the commis-
23 sion of, a predicate gang crime—

24 “(A) in furtherance or in aid of the activi-
25 ties of a criminal street gang;

1 “(B) for the purpose of gaining entrance
2 to or maintaining or increasing position in such
3 a gang; or

4 “(C) for the direct or indirect benefit or
5 the criminal street gang, or in association with
6 the criminal street gang.

7 “(c) PENALTIES.—Whoever violates paragraph (1) or
8 (2) of subsection (b)—

9 “(1) shall be fined under this title, imprisoned
10 for not more than 30 years, or both; and

11 “(2) if the violation is based on a predicate
12 gang crime for which the maximum penalty includes
13 life imprisonment, shall be fined under this title, im-
14 prisoned for any term of years or for life, or both.

15 “(d) FORFEITURE.—

16 “(1) IN GENERAL.—The court, in imposing sen-
17 tence on a person who is convicted of an offense
18 under this section, shall order that the defendant
19 forfeit to the United States—

20 “(A) any property, real or personal, consti-
21 tuting or traceable to gross proceeds obtained
22 from such offense; and

23 “(B) any property used or intended to be
24 used, in any manner or part, to commit or to
25 facilitate the commission of such violation.

1 “(2) CRIMINAL PROCEDURES.—The procedures
 2 set forth in section 413 of the Controlled Substances
 3 Act (21 U.S.C. 853), other than subsection (d) of
 4 that section, and in rule 32.2 of the Federal Rules
 5 of Criminal Procedure, shall apply to all stages of a
 6 criminal forfeiture proceeding under this section.

7 “(3) CIVIL PROCEDURES.—Property subject to
 8 forfeiture under paragraph (1) may be forfeited in
 9 a civil case pursuant to the procedures set forth in
 10 chapter 46 of this title.”.

11 (b) CLERICAL AMENDMENT.—The table of sections
 12 at the beginning of chapter 26 of title 18, United States
 13 Code, is amended to read as follows:

“521. Criminal street gang prosecutions.”.

14 **SEC. 302. VIOLENT CRIMES IN FURTHERANCE OR IN AID OF**
 15 **CRIMINAL STREET GANGS.**

16 (a) VIOLENT CRIMES AND CRIMINAL STREET GANG
 17 RECRUITMENT.—Chapter 26 of title 18, United States
 18 Code, as amended by section 301, is amended by adding
 19 at the end the following:

20 **“§ 523. Violent crimes in furtherance or in aid of a**
 21 **criminal street gang**

22 “(a) Any person who, for the purpose of gaining en-
 23 trance to or maintaining or increasing position in, or in
 24 furtherance or in aid of, or for the direct or indirect ben-
 25 efit of, or in association with a criminal street gang, or

1 as consideration for the receipt of, or as consideration for
 2 a promise or agreement to pay, anything of pecuniary
 3 value to or from a criminal street gang, murders, kidnaps,
 4 sexually assaults (which means any offense that involved
 5 conduct that would violate chapter 109A if the conduct
 6 occurred in the special maritime and territorial jurisdic-
 7 tion), maims, assaults with a dangerous weapon, commits
 8 assault resulting in serious bodily injury upon, commits
 9 any other crime of violence or threatens to commit a crime
 10 of violence against any individual, or attempts or conspires
 11 to do so, shall be punished, in addition and consecutive
 12 to the punishment provided for any other violation of this
 13 chapter—

14 “(1) for murder, by imprisonment for any term
 15 of years or for life, a fine under this title, or both;

16 “(2) for kidnapping or sexual assault, by im-
 17 prisonment for any term of years or for life, a fine
 18 under this title, or both;

19 “(3) for maiming, by imprisonment for any
 20 term of years or for life, a fine under this title, or
 21 both;

22 “(4) for assault with a dangerous weapon or as-
 23 sault resulting in serious bodily injury, by imprison-
 24 ment for not more than 30 years, a fine under this
 25 title, or both;

1 “(5) for any other crime of violence, by impris-
 2 onment for not more than 20 years, a fine under
 3 this title, or both;

4 “(6) for threatening to commit a crime of vio-
 5 lence specified in paragraphs (1) through (4), by im-
 6 prisonment for not more than 10 years, a fine under
 7 this title, or both;

8 “(7) for attempting or conspiring to commit
 9 murder, kidnapping, maiming, or sexual assault, by
 10 imprisonment for not more than 30 years, a fine
 11 under this title, or both; and

12 “(8) for attempting or conspiring to commit a
 13 crime involving assault with a dangerous weapon or
 14 assault resulting in serious bodily injury, by impris-
 15 onment for not more than 20 years, a fine under
 16 this title, or both.

17 “(b) DEFINITION.—In this section, the term ‘crimi-
 18 nal street gang’ has the same meaning as in section 521
 19 of this title.”.

20 (b) CLERICAL AMENDMENT.—The table of sections
 21 at the beginning of chapter 26 of title 18, United States
 22 Code, is amended by adding at the end the following:

“522. Recruitment of persons to participate in a criminal street gang.

“523. Violent crimes in furtherance of a criminal street gang.”.

1 **SEC. 303. INTERSTATE AND FOREIGN TRAVEL OR TRANS-**
2 **PORTATION IN AID OF RACKETEERING EN-**
3 **TERPRISES AND CRIMINAL STREET GANGS.**

4 Section 1952 of title 18, United States Code, is
5 amended—

6 (1) in subsection (a)—

7 (A) by striking “and thereafter performs
8 or attempts to perform” and inserting “and
9 thereafter performs, or attempts or conspires to
10 perform”; and

11 (B) by striking “5 years” and inserting
12 “10 years”;

13 (2) by redesignating subsections (b) and (c) as
14 subsections (c) and (d), respectively;

15 (3) by inserting after subsection (a) the fol-
16 lowing:

17 “(b) Whoever travels in interstate or foreign com-
18 merce or uses the mail or any facility in interstate or for-
19 eign commerce, with the intent to kill, assault, bribe, force,
20 intimidate, or threaten any person, to delay or influence
21 the testimony of, or prevent from testifying, a witness in
22 a State criminal proceeding and thereafter performs, or
23 attempts or conspires to perform, an act described in this
24 subsection, shall—

25 “(1) be fined under this title, imprisoned for
26 any term of years, or both; and

1 “(2) if death results, imprisoned for any term
2 of years or for life.”; and

3 (4) in subsection (c)(2), as redesignated under
4 subparagraph (B), by inserting “intimidation of, or
5 retaliation against, a witness, victim, juror, or in-
6 formant,” after “extortion, bribery,”.

7 **SEC. 304. AMENDMENTS RELATING TO VIOLENT CRIME IN**
8 **AREAS OF EXCLUSIVE FEDERAL JURISDIC-**
9 **TION.**

10 (a) ASSAULT WITHIN MARITIME AND TERRITORIAL
11 JURISDICTION OF UNITED STATES.—Section 113(a)(3) of
12 title 18, United States Code, is amended by striking “with
13 intent to do bodily harm, and without just cause or ex-
14 cuse,”.

15 (b) MANSLAUGHTER.—Section 1112(b) of title 18,
16 United States Code, is amended by—

17 (1) striking “ten years” and inserting “20
18 years”; and

19 (2) striking “six years” and inserting “10
20 years”.

21 (c) OFFENSES COMMITTED WITHIN INDIAN COUN-
22 TRY.—Section 1153(a) of title 18, United States Code, is
23 amended by inserting “an offense for which the maximum
24 statutory term of imprisonment under section 1363 is

1 greater than 5 years,” after “a felony under chapter
2 109A,”.

3 (d) RACKETEER INFLUENCED AND CORRUPT ORGA-
4 NIZATIONS.—Section 1961(1) of title 18, United States
5 Code, is amended—

6 (1) in subparagraph (A), by inserting “, or
7 would have been so chargeable if the act or threat
8 (other than lawful forms of gambling) had not been
9 committed in Indian country (as defined in section
10 1151) or in any other area of exclusive Federal ju-
11 risdiction,” after “chargeable under State law”; and

12 (2) in subparagraph (B), by inserting “section
13 1123 (relating to multiple interstate murder),” after
14 “section 1084 (relating to the transmission of wa-
15 gering information),”.

16 (e) CARJACKING.—Section 2119 of title 18, United
17 States Code, is amended by striking “, with the intent to
18 cause death or serious bodily harm”.

19 (f) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO
20 COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIO-
21 LENCE.—Section 924(h) of title 18, United States Code,
22 is amended to read as follows:

23 “(h) ILLEGAL TRANSFERS.—Whoever knowingly
24 transfers a firearm, knowing that the firearm will be used
25 to commit, or possessed in furtherance of, a crime of vio-

1 lence (as defined in subsection (c)(3)) or drug trafficking
 2 crime (as defined in subsection (c)(2)), shall be imprisoned
 3 for not more than 10 years, fined under this title, or
 4 both.”.

5 (g) AMENDMENT OF SPECIAL SENTENCING PROVI-
 6 SION.—Section 3582(d) of title 18, United States Code,
 7 is amended—

8 (1) by striking “chapter 95 (racketeering) or 96
 9 (racketeer influenced and corrupt organizations) of
 10 this title” and inserting “section 521 (criminal
 11 street gangs) or 522 (violent crimes in furtherance
 12 or in aid of criminal street gangs), in chapter 95
 13 (racketeering) or 96 (racketeer influenced and cor-
 14 rupt organizations),”; and

15 (2) by inserting “a criminal street gang or” be-
 16 fore “an illegal enterprise”.

17 (h) CONFORMING AMENDMENT RELATING TO OR-
 18 DERS FOR RESTITUTION.—Section 3663(c)(4) of title 18,
 19 United States Code, is amended by striking “chapter 46
 20 or chapter 96 of this title” and inserting “section 521,
 21 under chapter 46 or 96,”.

22 (i) SPECIAL PROVISION FOR INDIAN COUNTRY.—No
 23 person subject to the criminal jurisdiction of an Indian
 24 tribal government shall be subject to section 3559(e) of
 25 title 18, United States Code, for any offense for which

1 Federal jurisdiction is solely predicated on Indian country
 2 (as defined in section 1151 of such title 18) and which
 3 occurs within the boundaries of such Indian country un-
 4 less the governing body of such Indian tribe elects to sub-
 5 ject the persons under the criminal jurisdiction of the tribe
 6 to section 3559(e) of such title 18.

7 **SEC. 305. INCREASED PENALTIES FOR USE OF INTERSTATE**
 8 **COMMERCE FACILITIES IN THE COMMISSION**
 9 **OF MURDER-FOR-HIRE AND OTHER FELONY**
 10 **CRIMES OF VIOLENCE.**

11 Section 1958 of title 18, United States Code, is
 12 amended—

13 (1) by striking the header and inserting the fol-
 14 lowing:

15 **“§ 1958. Use of interstate commerce facilities in the**
 16 **commission of murder-for-hire and other**
 17 **felony crimes of violence”;**

18 (2) in subsection (a), by striking “Whoever”
 19 through “conspires to do so” and inserting the fol-
 20 lowing:

21 “(a) Any person who travels in or causes another (in-
 22 cluding the intended victim) to travel in interstate or for-
 23 eign commerce, or uses or causes another (including the
 24 intended victim) to use the mail or any facility in inter-
 25 state or foreign commerce, with intent that a murder or

1 other felony crime of violence be committed in violation
 2 of the laws of any State or the United States as consider-
 3 ation for the receipt of, or as consideration for a promise
 4 or agreement to pay, anything of pecuniary value, or who
 5 conspires to do so—”.

6 (3) striking “ten” and inserting “20”; and

7 (4) by striking “twenty” and inserting “30”.

8 **SEC. 306. INCREASED PENALTIES FOR VIOLENT CRIMES IN**
 9 **AID OF RACKETEERING ACTIVITY.**

10 Section 1959(a) of title 18, United States Code, is
 11 amended—

12 (1) by striking “Whoever” through “punished”
 13 and inserting the following:

14 “(a) Any person who, as consideration for the receipt
 15 of, or as consideration for a promise or agreement to pay,
 16 anything of pecuniary value from an enterprise engaged
 17 in racketeering activity, or for the purpose of gaining en-
 18 trance to or maintaining or increasing position in an en-
 19 terprise engaged in racketeering activity, or in furtherance
 20 or in aid of an enterprise engaged in racketeering activity,
 21 murders, kidnaps, sexually assaults (which means any of-
 22 fense that involved conduct that would violate chapter
 23 109A if the conduct occurred in the special maritime and
 24 territorial jurisdiction), maims, assaults with a dangerous
 25 weapon, commits assault resulting in serious bodily injury

1 upon, or threatens to commit a crime of violence against
2 any individual in violation of the laws of any State or the
3 United States, or attempts or conspires to do so, shall be
4 punished, in addition and consecutive to the punishment
5 provided for any other violation of this chapter—”; and

6 (2) by striking paragraphs (2) through (6) and
7 inserting the following:

8 “(2) for kidnapping or sexual assault, by im-
9 prisonment for any term of years or for life, a fine
10 under this title, or both;

11 “(3) for maiming, by imprisonment for any
12 term of years or for life, a fine under this title, or
13 both;

14 “(4) for assault with a dangerous weapon or as-
15 sault resulting in serious bodily injury, by imprison-
16 ment for not more than 30 years, a fine under this
17 title, or both;

18 “(5) for threatening to commit a crime of vio-
19 lence, by imprisonment for not more than 10 years,
20 a fine under this title, or both;

21 “(6) for attempting or conspiring to commit
22 murder, kidnapping, maiming, or sexual assault, by
23 imprisonment for not more than 30 years, a fine
24 under this title, or both; and

1 “(7) for attempting or conspiring to commit as-
 2 sault with a dangerous weapon or assault which
 3 would result in serious bodily injury, by imprison-
 4 ment for not more than 20 years, a fine under this
 5 title, or both.”.

6 **SEC. 307. VIOLENT CRIMES COMMITTED DURING AND IN**
 7 **RELATION TO A DRUG TRAFFICKING CRIME.**

8 (a) IN GENERAL.—Part D of the Controlled Sub-
 9 stances Act (21 U.S.C. 841 et seq.) is amended by adding
 10 at the end the following:

11 “VIOLENT CRIMES COMMITTED DURING AND IN
 12 RELATION TO A DRUG TRAFFICKING CRIME

13 “SEC. 424. (a) IN GENERAL.—Any person who, dur-
 14 ing and in relation to any drug trafficking crime, murders,
 15 kidnaps, sexually assaults (which means any offense that
 16 involved conduct that would violate chapter 109A if the
 17 conduct occurred in the special maritime and territorial
 18 jurisdiction), maims, assaults with a dangerous weapon,
 19 commits assault resulting in serious bodily injury upon,
 20 commits any other crime of violence or threatens to com-
 21 mit a crime of violence against, any individual, or attempts
 22 or conspires to do so, shall be punished, in addition and
 23 consecutive to the punishment provided for the drug traf-
 24 ficking crime—

1 “(1) in the case of murder, by imprisonment for
2 any term of years or for life, a fine under title 18,
3 United States Code, or both;

4 “(2) in the case of kidnapping or sexual assault
5 by imprisonment for any term of years or for life,
6 a fine under such title 18, or both;

7 “(3) in the case of maiming, by imprisonment
8 for any term of years or for life, a fine under such
9 title 18, or both;

10 “(4) in the case of assault with a dangerous
11 weapon or assault resulting in serious bodily injury,
12 by imprisonment not more than 30 years, a fine
13 under such title 18, or both;

14 “(5) in the case of committing any other crime
15 of violence, by imprisonment for not more than 20
16 years, a fine under this title, or both;

17 “(6) in the case of threatening to commit a
18 crime of violence specified in paragraphs (1) through
19 (4), by imprisonment for not more than 10 years, a
20 fine under such title 18, or both;

21 “(7) in the case of attempting or conspiring to
22 commit murder, kidnapping, maiming, or sexual as-
23 sault, by imprisonment for not more than 30 years,
24 a fine under such title 18, or both; and

1 “(8) in the case of attempting or conspiring to
 2 commit a crime involving assault with a dangerous
 3 weapon or assault resulting in serious bodily injury,
 4 by imprisonment for not more than 20 years, a fine
 5 under such title 18, or both.

6 “(b) VENUE.—A prosecution for a violation of this
 7 section may be brought in—

8 “(1) the judicial district in which the murder or
 9 other crime of violence occurred; or

10 “(2) any judicial district in which the drug traf-
 11 ficking crime may be prosecuted.

12 “(c) DEFINITIONS.—As used in this section—

13 “(1) the term ‘crime of violence’ has the mean-
 14 ing given that term in section 16 of title 18, United
 15 States Code; and

16 “(2) the term ‘drug trafficking crime’ has the
 17 meaning given that term in section 924(c)(2) of title
 18 18, United States Code.”.

19 (b) CLERICAL AMENDMENT.—The table of contents
 20 for the Controlled Substances Act is amended by inserting
 21 after the item relating to section 423, the following:

 “Sec. 424. Violent crimes committed during and in relation to a drug traf-
 ficking crime.”.

1 **SEC. 308. EXPANSION OF REBUTTABLE PRESUMPTION**
 2 **AGAINST RELEASE OF PERSONS CHARGED**
 3 **WITH FIREARMS OFFENSES.**

4 Section 3142 of title 18, United States Code, is
 5 amended—

6 (1) in subsection (e), in the matter following
 7 paragraph (3)—

8 (A) by inserting “an offense under section
 9 922(g)(1) where the underlying conviction is a
 10 serious drug offense as defined in section
 11 924(e)(2)(A) of title 18, United States Code,
 12 for which a period of not more than 10 years
 13 has elapsed since the date of the conviction or
 14 the release of the person from imprisonment,
 15 whichever is later, or is a serious violent felony
 16 as defined in section 3559(c)(2)(F) of title 18,
 17 United States Code,” after “that the person
 18 committed”; and

19 (B) by inserting “or” before “the Mari-
 20 time”;

21 (2) in subsection (f)(1)—

22 (A) in subparagraph (C), by striking “or”
 23 at the end; and

24 (B) by adding at the end the following:

25 “(E) an offense under section 922(g); or”;

26 and

1 (3) in subsection (g), by amending paragraph
2 (1) to read as follows:

3 “(1) the nature and circumstances of the of-
4 fense charged, including whether the offense is a
5 crime of violence, or involves a drug, firearm, explo-
6 sive, or destructive devise;”.

7 **SEC. 309. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.**

8 (a) IN GENERAL.—Chapter 214 of title 18, United
9 States Code, is amended by adding at the end the fol-
10 lowing:

11 **“§ 3297. Violent crime offenses**

12 “Except as otherwise expressly provided by law, no
13 person shall be prosecuted, tried, or punished for any non-
14 capital felony, crime of violence (as defined in section 16),
15 including any racketeering activity or gang crime which
16 involves any violent crime, unless the indictment is found
17 or the information is instituted by the later of—

18 “(1) 10 years after the date on which the al-
19 leged violation occurred;

20 “(2) 10 years after the date on which the con-
21 tinuing offense was completed; or

22 “(3) 8 years after the date on which the alleged
23 violation was first discovered.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 at the beginning of chapter 214 of title 18, United States
 3 Code, is amended by adding at the end the following:

“3296. Violent crime offenses.”.

4 **SEC. 310. PREDICATE CRIMES FOR AUTHORIZATION OF**
 5 **INTERCEPTION OF WIRE, ORAL, AND ELEC-**
 6 **TRONIC COMMUNICATIONS.**

7 Section 2516(1) of title 18, United States Code, is
 8 amended—

9 (1) in paragraph (q), by striking “or.”;

10 (2) by redesignating paragraph (r) as para-
 11 graph (u); and

12 (3) by inserting after paragraph (q) the fol-
 13 lowing:

14 “(r) any violation of section 424 of the Con-
 15 trolled Substances Act (relating to murder and other
 16 violent crimes in furtherance of a drug trafficking
 17 crime);

18 “(s) any violation of 1123 of title 18, United
 19 States Code (relating to multiple interstate murder);

20 “(t) any violation of section 521, 522, or 523
 21 (relating to criminal street gangs); or”.

22 **SEC. 311. CLARIFICATION TO HEARSAY EXCEPTION FOR**
 23 **FORFEITURE BY WRONGDOING.**

24 Rule 804(b)(6) of the Federal Rules of Evidence is
 25 amended to read as follows:

1 “(6) **Forfeiture by wrongdoing.** A state-
 2 ment offered against a party that has engaged, ac-
 3 quiesced, or conspired, in wrongdoing that was in-
 4 tended to, and did, procure the unavailability of the
 5 declarant as a witness.”.

6 **SEC. 312. CLARIFICATION OF VENUE FOR RETALIATION**
 7 **AGAINST A WITNESS.**

8 Section 1513 of title 18, United States Code, is
 9 amended by—

10 (1) redesignating subsection (e) beginning with
 11 “Whoever conspires” as subsection (f); and

12 (2) adding at the end the following:

13 “(g) A prosecution under this section may be brought
 14 in the district in which the official proceeding (whether
 15 or not pending, about to be instituted or was completed)
 16 was intended to be affected or was completed, or in which
 17 the conduct constituting the alleged offense occurred.”.

18 **SEC. 313. AMENDMENT OF SENTENCING GUIDELINES RE-**
 19 **LATING TO CERTAIN GANG AND VIOLENT**
 20 **CRIMES.**

21 (a) **DIRECTIVE TO THE UNITED STATES SEN-**
 22 **TENCING COMMISSION.**—Pursuant to its authority under
 23 section 994(p) of title 28, United States Code, and in ac-
 24 cordance with this section, the United States Sentencing
 25 Commission shall review and, if appropriate, amend its

1 guidelines and its policy statements to conform to the pro-
2 visions of title I and this title.

3 (b) REQUIREMENTS.—In carrying out this section,
4 the Sentencing Commission shall—

5 (1) establish new guidelines and policy state-
6 ments, as warranted, in order to implement new or
7 revised criminal offenses created under this title;

8 (2) ensure that the sentencing guidelines and
9 policy statements reflect the serious nature of the of-
10 fenses and the penalties set forth in this title, the
11 growing incidence of serious gang and violent
12 crimes, and the need to modify the sentencing guide-
13 lines and policy statements to deter, prevent, and
14 punish such offenses;

15 (3) consider the extent to which the guidelines
16 and policy statements adequately address—

17 (A) whether the guideline offense levels
18 and enhancements for gang and violent
19 crimes—

20 (i) are sufficient to deter and punish
21 such offenses; and

22 (ii) are adequate in view of the statu-
23 tory increases in penalties contained in the
24 Act; and

1 (B) whether any existing or new specific
 2 offense characteristics should be added to re-
 3 flect congressional intent to increase gang and
 4 violent crime penalties, punish offenders, and
 5 deter gang and violent crime;

6 (4) assure reasonable consistency with other
 7 relevant directives and with other sentencing guide-
 8 lines;

9 (5) account for any additional aggravating or
 10 mitigating circumstances that might justify excep-
 11 tions to the generally applicable sentencing ranges;

12 (6) make any necessary conforming changes to
 13 the sentencing guidelines; and

14 (7) assure that the guidelines adequately meet
 15 the purposes of sentencing under section 3553(a)(2)
 16 of title 18, United States Code.

17 **SEC. 314. SOLICITATION OR RECRUITMENT OF PERSONS IN**
 18 **CRIMINAL STREET GANG ACTIVITY.**

19 Chapter 26 of title 18, United States Code, is amend-
 20 ed by adding at the end the following:

21 **“§ 522. Recruitment of persons to participate in a**
 22 **criminal street gang**

23 **“(a) PROHIBITED ACTS.—**It shall be unlawful for any
 24 person to recruit, employ, solicit, induce, command, or
 25 cause another person to be or remain as a member of a

1 criminal street gang, or conspire to do so, with the intent
2 to cause that person to participate in an offense described
3 in section 521(a).

4 “(b) DEFINITION.—In this section:

5 “(1) CRIMINAL STREET GANG.—The term
6 ‘criminal street gang’ shall have the same meaning
7 as in section 521(a) of this title.

8 “(2) MINOR.—The term ‘minor’ means a per-
9 son who is less than 18 years of age.

10 “(c) PENALTIES.—Any person who violates sub-
11 section (a) shall—

12 “(1) be imprisoned not more than 5 years, fined
13 under this title, or both; or

14 “(2) if the person recruited, solicited, induced,
15 commanded, or caused to participate or remain in a
16 criminal street gang is under the age of 18—

17 “(A) be imprisoned for not more than 10
18 years, fined under this title, or both; and

19 “(B) at the discretion of the sentencing
20 judge, be liable for any costs incurred by the
21 Federal Government, or by any State or local
22 government, for housing, maintaining, and
23 treating the person until the person attains the
24 age of 18 years.”.

1 **SEC. 315. INCREASED PENALTIES FOR CRIMINAL USE OF**
2 **FIREARMS IN CRIMES OF VIOLENCE AND**
3 **DRUG TRAFFICKING.**

4 (a) IN GENERAL.—Section 924(c)(1)(A) of title 18,
5 United States Code, is amended—

6 (1) by striking “shall” and inserting “or con-
7 spires to commit any of the above acts, shall, for
8 each instance in which the firearm is used, carried,
9 or possessed”;

10 (2) in clause (i), by striking “5 years” and in-
11 serting “7 years”; and

12 (3) by striking clause (ii).

13 (b) CONFORMING AMENDMENTS.—Section 924 of
14 title 18, United States Code, is amended—

15 (1) in subsection (c), by striking paragraph (4);
16 and

17 (2) by striking subsection (o).

18 **SEC. 316. POSSESSION OF FIREARMS BY DANGEROUS FEL-**
19 **ONS.**

20 (a) IN GENERAL.—Section 924(e) of title 18, United
21 States Code, is amended—

22 (1) in paragraph (1), by inserting after “vio-
23 lates section 922(g) of this title” and before “and
24 has three previous convictions” the following: “and
25 has previously been convicted by any court referred
26 to in section 922(g)(1) for a violent felony or a seri-

1 ous drug offense shall, in the case of 1 such prior
 2 conviction, where a period of not more than 10 years
 3 has elapsed since the date of the conviction or re-
 4 lease of the person from imprisonment for that con-
 5 viction, be subject to imprisonment for not more
 6 than 15 years a fine under this title, or both; in the
 7 case of 2 such prior convictions, committed on occa-
 8 sions different from one another, and where a period
 9 of not more than 10 years has elapsed since the date
 10 of the conviction or release of the person from im-
 11 prisonment for that conviction, be subject to impris-
 12 onment for not more than 20 years a fine under this
 13 title, or both; and in the case of an individual who”;
 14 and

15 (2) by striking paragraph (2) and inserting the
 16 following:

17 “(2) As used in this subsection—

18 “(A) the term ‘serious drug offense’ means—

19 “(i) an offense under the Controlled Sub-
 20 stances Act (21 U.S.C. 801 et seq.), the Con-
 21 trolled Substances Import and Export Act (21
 22 U.S.C. 951 et seq.), or the Maritime Drug Law
 23 Enforcement Act (46 U.S.C. App. 1901 et
 24 seq.), punishable by a maximum term of impris-
 25 onment of not less than 10 years; or

1 “(ii) an offense under State law, involving
2 manufacturing, distributing, or possessing with
3 intent to manufacture or distribute, a controlled
4 substance (as defined in section 102 of the Con-
5 trolled Substances Act (21 U.S.C. 802)), pun-
6 ishable by a maximum term of imprisonment of
7 not less than 10 years;

8 “(B) the term ‘violent felony’ means any crime
9 punishable by a term of imprisonment exceeding 1
10 year, or any act of juvenile delinquency involving the
11 use or carrying of a firearm, knife, or destructive de-
12 vice that would be punishable by a maximum term
13 of imprisonment for such term if committed by an
14 adult, that—

15 “(i) has, as an element of the crime or act,
16 the use, attempted use, or threatened use of
17 physical force against the person of another; or

18 “(ii) is burglary, arson, or extortion, in-
19 volves the use of explosives, or otherwise in-
20 volves conduct that presents a serious potential
21 risk of physical injury to another; and

22 “(C) the term ‘conviction’ includes a finding
23 that a person has committed an act of juvenile delin-
24 quency involving a violent felony.”.

1 (b) AMENDMENT TO SENTENCING GUIDELINES.—

2 Pursuant to its authority under section 994(p) of title 28,
3 United States Code, the United States Sentencing Com-
4 mission shall amend the Federal Sentencing Guidelines to
5 provide for an appropriate increase in the offense level for
6 violations of section 922(g) of title 18, United States
7 Code, in accordance with section 924(e) of such title 18,
8 as amended by subsection (a).

9 (c) CONFORMING AMENDMENT.—The matter before
10 paragraph (1) in section 922(d) of title 18, United States
11 Code, is amended by inserting “, transfer,” after “sell”.

12 **SEC. 317. STANDARDIZATION OF CRIME REPORTING.**

13 (a) EXPANDING UNIFORM CRIME REPORTING.—Sec-
14 tion 7332(c) of the Uniform Federal Crime Reporting Act
15 of 1988 (28 U.S.C. 534 note) is amended by—

16 (1) in paragraph (2), by—

17 (A) inserting “along with all municipality
18 police departments” after “which routinely in-
19 vestigate complaints of criminal activity,”; and

20 (B) adding at the end the following: “The
21 Attorney General shall create a separate cat-
22 egory in the Uniform Crime Reports to distin-
23 guish crimes committed by juveniles.”; and

24 (2) in paragraph (3), by inserting “, officials of
25 municipalities,” after “State governments”.

1 (b) CONSOLIDATING AND STANDARDIZING ALL
2 CRIME DATA.—Section 150008 of the Violent Crime Con-
3 trol and law Enforcement Act of 1994 (42 U.S.C. 14062)
4 is amended—

5 (1) in subsection (a), by—

6 (A) inserting “, consolidate, and stand-
7 ardize all” after “strategy to coordinate”;

8 (B) inserting “and crime (that would be
9 included in the Uniform Crime Reports) re-
10 lated” after “gang-related”;

11 (C) striking “and” after “shall acquire”
12 and inserting “, consolidate, and standardize
13 all” after “shall acquire, collect”; and

14 (D) inserting “and other crimes that would
15 be included in the Uniform Crime Reports”
16 after “incidents of gang violence”;

17 (2) in subsection (c), by—

18 (A) inserting “the efforts and strategy of
19 the Department of Justice in consolidating and
20 standardizing data on all crime and” after
21 “prepare a report on”;

22 (B) striking “violence” after “national
23 gang” and inserting “offenses”; and

24 (C) striking “1996” after “January 1,”
25 and inserting “2008”; and

1 (3) in subsection (d), by—

2 (A) striking “\$1,000,000” after “carry out
3 this section” and substituting “\$2,000,000”;
4 and

5 (B) striking “1996” after “fiscal year,”
6 and inserting “2007”.

7 **SEC. 318. PROVIDING ADDITIONAL FORENSIC EXAMINERS.**

8 Section 816 of the Uniting and Strengthening Amer-
9 ica by Providing Appropriate Tools Required to Intercept
10 and Obstruct Terrorism Act of 2001 (28 U.S.C. 509) is
11 amended—

12 (1) in subsection (a)—

13 (A) by redesignating paragraph (5) as (6)
14 and inserting after paragraph (4) the following:
15 “(5) to hire additional forensic examiners to
16 help with forensic work and to fight gang activity;
17 and”; and

18 (2) in subsection (b), by striking paragraph (1)
19 and inserting the following:

20 “(1) AUTHORIZATION.—There is hereby author-
21 ized to be appropriated in each fiscal year
22 \$55,000,000 for purposes of carrying out this sec-
23 tion.”.

1 **SEC. 319. STUDY ON EXPANDING FEDERAL AUTHORITY FOR**
2 **JUVENILE OFFENDERS.**

3 (a) IN GENERAL.—Not later than 9 months after the
4 date of enactment of this Act, the Comptroller General
5 of the United States shall submit to the Committees on
6 the Judiciary of the Senate and the House of Representa-
7 tives a report on the costs and benefits associated with
8 expanding Federal authority to prosecute offenders under
9 the age of 18 who are gang members who commit criminal
10 offenses.

11 (b) CONTENTS.—The report submitted under sub-
12 section (a) shall—

13 (1) examine the ability of the judicial systems
14 of the States to respond effectively to juveniles who
15 are members of “criminal street gangs”, as defined
16 under section 521 of title 18, United States Code;

17 (2) examine the extent to which offenders who
18 are 16 and 17 years old are members of criminal
19 street gangs, and are accused of committing violent
20 crimes and prosecuted in the adult criminal justice
21 systems of the individual States;

22 (3) determine the percentage of crimes com-
23 mitted by members of “criminal street gangs” that
24 are committed by offenders who are 16 and 17 years
25 old;

1 (4) examine the extent to which United States
2 attorneys currently bring criminal indictments and
3 prosecute offenders under the age of 18, and the ex-
4 tent to which United States attorneys' offices in-
5 clude prosecutors with experience prosecuting juve-
6 niles for adult criminal violations;

7 (5) examine the extent to which the Bureau of
8 Prisons houses offenders under the age of 18, and
9 has the ability and experience to meet the needs of
10 young offenders;

11 (6) estimate the cost to the Federal Govern-
12 ment of prosecuting and incarcerating 16 and 17
13 year olds who are members of criminal street gangs
14 and are accused of violent crimes; and

15 (7) detail any benefits for Federal prosecutions
16 that would be realized by expanding Federal author-
17 ity to bring charges against 16 and 17 year olds who
18 are members of criminal street gangs and are ac-
19 cused of violent crimes.

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